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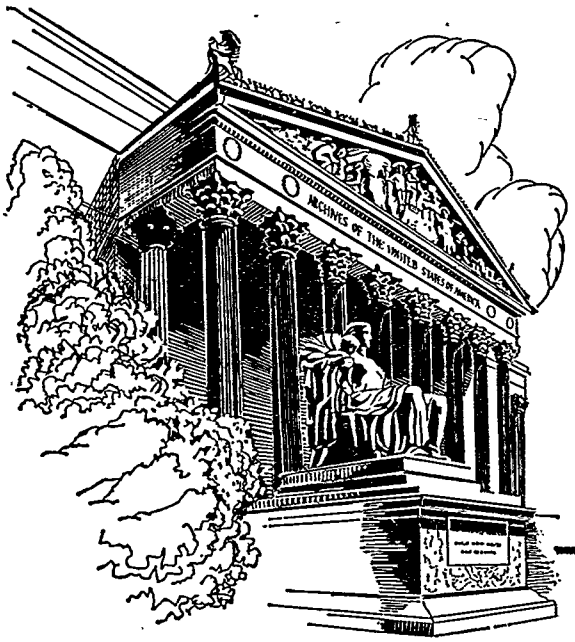

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PART 213—EXCEPTED SERVICE

Office of Emergency Planning

Section 213.3326 is amended to show the change in title of three positions in the Office of Emergency Planning and the revocation of the schedule C authority for two positions. Effective on publication in the FEDERAL REGISTER, § 213.3326 is amended as set out below.

§ 213.3326 Office of Emergency Planning.

(a) *Office of the Director.* * * *

(4) General Counsel.

* * * * *

(f) *Office of Liaison.* (1) The Director.

* * * * *

(i) [Revoked].

(j) *Emergency Operations Office.* (1) The Director.

(2) [Revoked].

* * * * *

(n) *Program Planning and Evaluation Office.* (1) The Director.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-6077; Filed, May 21, 1968; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Soybean Cyst Nematode

Pursuant to sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 79 relating to the soybean cyst nematode and regulations supplemental to said quarantine (7 CFR 301.79, 301.79–1, 301.79–2, 301.79–3 through 301.79–10), are hereby revised to read as follows:

QUARANTINE AND REGULATIONS

Sec.

AUTHORITY: The provisions of this subpart issued under secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended.

§ 301.79 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the Secretary of Agriculture heretofore determined, after public hearing, that it was necessary to quarantine the States of Arkansas, Illinois, Kentucky, Mississippi, Missouri, North Carolina, Tennessee, and Virginia in order to prevent the spread of soybean cyst nematode (Heterodera glycines Ichinohe), which causes a dangerous disease of soybeans and certain other plants, not theretofore widely prevalent or distributed within and throughout the United States, and accordingly quarantined said States. Under the authority of said provisions, the Secretary hereby continues such quarantine in effect with respect to the interstate movement from the quarantined States of the articles described in paragraph (b) of this section, issues the regulations in this subpart governing such movement, and gives notice of said quarantine and regulations.

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the following articles (defined in § 301.79–1(l) as regulated articles), except in accordance with the conditions prescribed in this subpart:

(1) Soil, compost, decomposed manure, humus, muck, and peat, separately or with other things;

(2) Plants with roots;

(3) Grass sod;

(4) Plant crowns and roots for propagation;

(5) True bulbs, corms, rhizomes and tubers of ornamental plants;

(6) Root crops, except those from which all soil has been removed;

(7) Peanuts in shells and peanut shells, except boiled or roasted peanuts;

(8) Soybeans;

(9) Hay, straw, fodder and plant litter of any kind;

(10) Seed cotton;

(11) Ear corn, except shucked ear corn;

(12) Used crates, boxes, burlap bags, cotton picking sacks and other used farm products containers;

(13) Used farm tools and implements;

(14) Used mechanized cultivating equipment and used harvesting machinery;

(15) Used mechanized soil moving equipment;

(16) Any other products, articles, or means of conveyance, of any character whatsoever, not covered by subparagraphs (1) through (15) of this paragraph, when it is determined by an inspector that they present a hazard of spread of soybean cyst nematode, and the person in possession thereof has been so notified.

§ 301.79–1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

(a) *Certificate.* A document issued or authorized to be issued under this subpart by an inspector to allow the interstate movement of regulated articles to any destination.

(b) *Compliance agreement.* A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Pest Control Division, wherein the former agrees to comply with the requirements of this subpart identified in the agreement by the inspector who executes the agreement on behalf of the Division as applicable to the operations of such person.

(c) *Director.* The Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(d) *Infestation.* The presence of the soybean cyst nematode or the existence of circumstances that make it reasonable to believe that soybean cyst nematode is present.

(e) *Inspector.* Any employee of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or other person authorized

by the Director to enforce the provisions of the quarantine and regulations in this subpart.

(f) *Interstate.* From any State, territory, or district into or through any other State, territory, or district of the United States (including Puerto Rico).

(g) *Limited permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of noncertified regulated articles to a specified destination for limited handling, utilization, or processing, or for treatment.

(h) *Mechanized cultivating equipment; mechanized soil-moving equipment.* Mechanized equipment used for cultivating purposes, e.g., turning or disk plows; or for moving or transporting soil, e.g., draglines, bulldozers, road scrapers, and dumptrucks.

(i) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

(j) *Person.* Any individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(k) *Regulated area.* Any quarantined State, or any portion thereof, listed as a regulated area in § 301.79–2a or otherwise designated by the Director in accordance with § 301.79–2(a).

(l) *Regulated articles.* Any articles described in § 301.79(b).

(m) *Restricted destination permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles not certified under all applicable Federal domestic plant quarantines to a specified destination for other than scientific purposes.

(n) *Scientific permit.* A document issued by the Director to allow the interstate movement to a specified destination of regulated articles for scientific purposes.

(o) *Soil.* That part of the upper layer of earth in which plants can grow.

(p) *Soybean cyst nematode.* The nematode known as the soybean cyst nematode (Heterodera glycines Ichinohe), in any stage of development.

(q) *Treatment manual.* The provisions currently contained in the "Manual of Administratively Authorized Procedures To Be Used Under the Soybean Cyst Nematode Quarantine" and the "Fumigation Procedures Manual" and any amendments thereto.[1]

§ 301.79–2 Authorization for Director to list regulated areas and articles which are exempt from certification and permit requirements.

The Director shall publish and amend from time to time as the facts warrant, the following lists:

(a) *List of regulated areas.* The Director shall list as regulated areas in a supplemental regulation designated as § 301.79–2a, the quarantined States, or portions thereof, in which soybean cyst nematode has been found or in which there is reason to believe that soybean cyst nematode is present, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, provided that less than an entire quarantined State will be designated as a regulated area only if the Director is of the opinion that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the soybean cyst nematode.

The Director may temporarily designate any other premises in a quarantined State as a regulated area, in accordance with the criteria specified above for listing regulated areas, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of this designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added to the list in § 301.79–2a if a basis then exists for their designation.

(b) *List of articles which are exempt from certification and permit requirements.* The Director may, in a supplemental regulation designated as § 301.79–2b, list regulated articles which shall be exempt from the certification and permit requirements of § 301.79–3 under such conditions as he may prescribe, if he finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

§ 301.79–3 Conditions governing the interstate movement of regulated articles from quarantined States.[2]

(a) Any regulated articles may be moved interstate from any quarantined State to any destination, if—

(1) They are accompanied by a certificate; or

(2) They are exempt from certification or permit requirements under § 301.79–2b.

(b) Any regulated articles may be moved interstate from any quarantined State, if accompanied by a permit, to any destination authorized by such permit.

(c) Any regulated articles may be moved interstate from any regulated area in any quarantined State to any contiguous regulated area without further restriction under this subpart.

(d) Any regulated articles that originated outside of the regulated areas in the quarantined States or in a nonquarantined State may be moved interstate from any quarantined State if the point of origin of such articles is clearly indicated on the shipping document which accompanies the shipment and if, in the case of articles moved through any regulated area, they are determined by an inspector as having been safeguarded against infestation while in the regulated area in a manner satisfactory to him.

§ 301.79–4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Have been treated to destroy infestation in accordance with the treatment manual; or

(3) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles, not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when upon evaluation of the circumstances involved in each specific case he determines that such movement will not result in the spread of the soybean cyst nematode and requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

(d) Scientific permits may be issued by the Director to allow the interstate movement of regulated articles for scientific purposes under such conditions as may be prescribed in each specific case by the Director.

(e) Certificate, limited permit, and restricted destination permit forms may be issued by an inspector to any person for use by the latter for subsequent shipments provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on

[1] Pamphlets containing such provisions are available, upon request from the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, or from an inspector.

[2] Requirements under all other applicable Federal domestic plant quarantines must also be met.

shipping containers or otherwise. Any such person may use the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has made appropriate determinations as specified in paragraph (a) of this section with respect to such articles. Any such person may use the limited permit forms, or reproductions of such forms, for interstate movement of regulated articles to specific destinations authorized by the inspector in accordance with paragraph (b) of this section. Any such person may use the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart.

§ 301.79–5 Compliance agreements; and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under this subpart. Compliance agreement forms may be obtained from the Director or an inspector.

(b) Any compliance agreement may be cancelled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement.

§ 301.79–6 Assembly and inspection of regulated articles.

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits, or reproductions thereof, under § 301.79–4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such a manner as the inspector designates to facilitate inspection.

§ 301.79–7 Attachment and disposition of certificates or permits.

(a) If a certificate or permit is required for the interstate movement of regulated articles, the certificate or permit shall be securely attached to the outside of the container in which such articles are moved, except that, where the certificate or permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, permit or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.79–8 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and soybean cyst nematodes as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Plant Pest Act (7 U.S.C. 150dd), in accordance with instructions issued by the Director.

§ 301.79–9 Movement of live soybean cyst nematodes.

Regulations requiring a permit for, and otherwise governing the movement of live soybean cyst nematodes in interstate or foreign commerce are contained in the Federal Plant Pest regulations in Part 330 of this chapter. Applications for permits for the movement of the pest may be made to the Director.

§ 301.79–10 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

This revision shall become effective upon publication in the FEDERAL REGISTER when it shall supersede the notice of quarantine and regulations effective March 31, 1960.

The primary purposes of this revision are to simplify and clarify the soybean cyst nematode quarantine and regulations. The only substantive changes made are as follows:

The list of regulated articles has been revised to include certain specific articles which may disseminate the soybean cyst nematode and which were heretofore covered by general language, and to exclude certain articles that are no longer considered hazardous. The revision contains provisions with respect to compliance agreements with persons handling regulated articles. A requirement is added for persons moving regulated articles from portions of quarantined States not included within the "regulated areas" to provide proof of origin in connection with the shipments. Provisions are also added under which certificates will not be issued or authorized to be issued for regulated articles unless the articles are certifiable under all applicable Federal domestic plant quarantine requirements; restricted destination permits are authorized; and all certificates or permits are required to be surrendered to the consignee at the destination of the shipments.

To the extent that this revision relieves certain restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which are being relieved. To the extent that this revision imposes restrictions, they are necessary in order to prevent the dissemination of the soybean cyst nematode, and should be made effective promptly to accomplish their purposes in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that further notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of May 1968.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 68–6098; Filed, May 21, 1968; 8:47 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Soybean Cyst Nematode

REGULATED AREAS

Under the authority of § 301.79–2 of the Soybean Cyst Nematode Quarantine regulations, 7 CFR 301.79–2, as amended, 33 F.R. 7556, a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.79–2a, as follows:

§ 301.79–2a Regulated areas.

The civil divisions, parts of civil divisions, and premises described below, in the quarantined States, are designated as soybean cyst nematode regulated areas within the meaning of the provisions in this subpart:

ARKANSAS

Arkansas County. Secs. 6 and 7, T. 4 S., R. 1 W.; sec. 5, T. 5 S, R. 1 W.; secs. 1, 2, 3, 4, 9, 10, 11, and 12, T. 4 S, R. 2 W.; secs. 5, 6, 7, 8, 17, 18, 19, 20, and 29, T. 7 S., R. 2 W.; secs. 32, 33, and 34, T. 3 S., R. 3 W.; secs. 3, 4, and 5, T. 4 S., R. 3 W.; secs. 29, 30, 31, and 32, T. 6 S., R. 3 W.; and sec. 6, T. 7 S., R. 3 W.

Chicot County. Secs 4, 5, 6, 7, 8, and 9, T. 15 S., R. 1 W.; and secs. 1 and 12, T. 15 S., R. 2 W.

Clay County. The entire county.

Craighead County. The entire county.

Crittenden County. The entire county.

Cross County. The entire county.

Desha County. Secs. 21, 27, 28, and that portion of secs. 15, 16, 22, 23, and 26, lying west of the Mississippi River located in T. 12 S., R. 1 W.; sec. 4, T. 9 S., R. 2 W.; and secs. 26, 27, 28, 29, 32, 33, 34, and 35, T. 10 S., R. 4 W.

Greene County. The entire county.

Independence County. Secs. 3, 4, 5, 8, 9, 17, and that portion of secs. 10, 15, and 16, lying west of the Black River located in T. 13 N., R. 3 W.; secs. 5, 27, 28, 29, 32, 33, and 34, T. 14 N., R. 3 W.; all of T. 11 N., R. 4 W.; sec. 1 and the S½ T. 12 N., R. 4 W.; and sec. 14, T. 12 N., R. 5 W.

Jackson County. The entire county.

Jefferson County. Sec. 31, T. 3 S., R. 7 W.; sec. 6, T. 4 S., R. 7 W.; sec. 36, T. 3 S., R. 8 W.; and sec. 1, T. 4 S., R. 8 W.

Lawrence County. That portion of the county lying east of the Black River; and secs. 29, 30, 31, 32, and those portions of secs. 28 and 33, west of the Black River in T. 15 N., R. 2 W.; and secs. 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 15 N., R. 3 W.

Lee County. The entire county.

Lincoln County. Sec. 34, T. 7 S., R. 6 W.; secs. 10 and 11, T. 8 S., R. 6 W.; and sec. 22, T. 9 S., R. 6 W.

Lonoke County. Secs. 2, 10, 11, 12, and 14, T. 1 N., R. 9 W.

Mississippi County. The entire county.

Monroe County. Secs. 5 and 6, T. 2 N., R. 2 W.; sec. 26, T. 3 N., R. 2 W.; and sec. 34, T. 1 N., R. 4 W.

Phillips County. The entire county.

Poinsett County. The entire county.

Pope County. That portion of the county lying east of the east line of R. 19 W., and south of U.S. Highway 64.

Prairie County. Secs. 19, 20, 29, and 30, T. 4 N., R. 5 W.

Randolph County. That portion of the county bounded by a line beginning at a point where the Randolph-Clay County line intersects the Missouri State line, thence extending southerly along said county line to its intersection with the Randolph-Greene County line, thence south along said line to its intersection with the Randolph-Lawrence County line, thence west along said line to its intersection with the Black River, thence northeasterly along said river to its intersection with State Highway 90, thence northerly along said highway to its intersection with State Highway 115, thence northerly along said highway to its intersection with State Highway 166, thence northeasterly along said highway to the community of Supply, thence northeast along the county road for 3 miles to its intersection with the west section line of sec. 6, T. 21 N., R. 3 E., thence north along said section line to its intersection with the Missouri State line, thence east along said State line to the point of beginning.

St. Francis County. The entire county.

Woodruff County. The entire county.

ILLINOIS

Alexander County. Tps. 14, 15, and 16 S., all in R. 1 W.; T. 16 S., R. 2 W.; T. 16 S., R. 3 W.; secs. 1, 12, 13, 24, 25, and 36, T. 14 S., R. 2 W.; secs. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 15 S., R. 2 W.; secs. 25, 33, 34, 35, and 36, T. 15 S., R. 3 W.; and that portion of the county lying south of T. 16 S., Rs. 1, and 2 W.

Franklin County. The property owned and operated by James Wanstreet, located in sec. 35, T. 5 S., R. 3 E.

Jackson County. The farm owned by D. Smysor and operated by R. Beckman, located in SE¼ sec. 9, T. 9 S., R. 5 W.

The farm owned and operated by Robert Whipkey, located in sec. 15, T. 8 S., R. 1 W.

Johnson County. The property owned by Armstrong Cork Co. and operated by William Shirley Ames, located in SW¼ sec. 18 and W½ sec. 19, T. 12 S., R. 2 E.

The property owned by Jesse H. Lowery and operated by William Shirley Ames, located in SW¼ sec. 30, T. 12 S., R. 2 E.

The property owned by Mert Lowery and operated by William Shirley Ames, located in SW¼ sec. 30, T. 12 S., R. 2 E.

The property owned by W. R. Peeler and E. L. Peeler and operated by the Mescher Brothers, located in the SE¼ sec. 33, T. 13 S., R. 2 E. and the NE¼ sec. 4, T. 14 S., R. 2 E.

Massac County. Tps 16 and 17 S., in R. 6 E.

The property owned by John Dennis and operated by James Robbins, located in W½ sec. 1, S½ sec. 2, and NW¼ sec. 12, T. 14 S., R. 4 E.

The property owned and operated by Landis Newton, located in the NW¼ sec. 30, T. 14 S., R. 3 E.

The property owned and operated by C. Whitelock, located in NW¼ sec. 22, T. 14 S., R. 3 E.

The property owned and operated by E. Woods, located in SE¼ sec. 18, T. 14 S., R. 3 E.

Pope County. Tps. 16 and 17 S., in R. 7 E.; secs. 28, 29, 30, 31, 32, and 33, T. 15 S., R. 7 E.; and secs. 25, 26, and 36, T. 15 S., R. 6 E.

The property owned by Perry Buchanan and operated by L. Hemphill, located in S½ sec. 23, NW¼ sec. 26, and SE¼ sec. 26, T. 14 S., R. 6 E.

Pulaski County. The entire county.

Union County. The property owned by Armstrong Cork Co. and operated by William Shirley Ames, located in sec. 24 and S½ sec. 13, T. 12 S., R. 1 E.

The property owned by Catherine McKenzie and operated by William Shirley Ames, located in SE¼ sec. 25, T. 12 S., R. 1 E.

The farm owned by Harvey Weaver and operated by William Shirley Ames, located in SE¼ sec. 25, T. 12 S., R. 1 E.

KENTUCKY

Ballard County. The entire county.

Carlisle County. The entire county.

Daviess County. The property owned by the Ellis Estate, known as the Ewing Farm, consisting of 600 acres, operated by Charles W. Schaber, located on River Road approximately 3 miles northwest of Owensboro.

Fulton County. The entire county.

Graves County. That portion of the county west and south of a line beginning at the intersection of the Tennessee-Kentucky State line and State Highway 381, thence extending north along State Highway 381 to its intersection with State Highway 94 at Lynnville, thence west along State Highway 94 to its intersection with State Highway 303, thence north along State Highway 303 to its intersection with U.S. Highway 45 at Mayfield, thence north along U.S. Highway 45 to the McCracken County line.

Henderson County. That portion of the county lying within the boundaries beginning at the Ohio River and U.S. Highway 41, thence extending south and west along U.S. Highway 41 to the intersection of the Henderson corporate limits, thence south and west along the corporate limits to the Ohio River; thence northeasterly along said river to the point of beginning.

Hickman County. The entire county.

McCracken County. That portion of the county lying west of U.S. Highway 45.

MISSISSIPPI

Bolivar County. Those portions of secs. 28 and 33, T. 24 N., R. 8 W., lying west of the Mississippi River levee.

The property owned and operated by Carr Planting Co., west of the Mississippi River levee and 1 mile north of Concordia.

The property owned and operated by Paul H. Jones, located in secs. 22, 23, 24, 25, 26, 27, 35, and 36, T. 26 N., R. 7 W.

Coahoma County. Secs. 30 and 31, T. 29 N., R. 4 W.; secs. 5, 6, 7, 8, S½ secs. 9 and 10, N½ sec. 15, and sec. 16, T. 27 N., R. 5 W.; secs. 31 and 32, T. 28 N., R. 5 W.; that portion of T. 29 N., R. 5 W., lying in Coahoma County; sec. 7, T. 26 N., R. 6 W.; and secs. 1, 34, and 35, T. 27 N., R. 6 W.

The property owned and operated by W. D. Fisher, located in secs. 1 and 2, T. 30 N., R. 4 W., and secs. 35 and 36, T. 31 N., R. 4 W.

The property owned and operated by L. B. Shipp, located in sec. 10, T. 29 N., R. 3 W.

The property owned and operated by Travis Taylor, located in NE¼ sec. 35, T. 29 N., R. 4 W.

De Soto County. That portion of the county lying west of the east line of R. 9 W., and north of the south line of T. 2 S.

Issaquena County. Secs. 31, 32, and NE¼ of sec. 33, T. 12 N., R. 8 W.; secs. 5, 6, 21, 22, 23, 24, and 25, T. 11 N., R. 9 W.; that portion of sec. 2, T. 12 N., R. 9 W., lying west of the Mississippi River levee; and secs. 3, 4, and 10, T. 12 N., R. 9 W.

Tunica County. That portion of the N⅓ T. 3 S., R. 10 W., lying in Tunica County; secs. 17, 18, 19, and W½ sec. 20, T. 3 S., R. 10 W.; that portion of the N⅔ of T. 3 S., R. 11 W. lying in Tunica County; W½ sec. 27, and secs. 28, 29, and 30, T. 3 S., R. 11 W.; secs. 13, 14, 23, 24, 25, 26, 35, and 36, T. 3 S., R. 12 W.; and sec. 14, T. 4 S., R. 12 W.; and secs. 20, 21, and 29, T. 5 S., R. 12 W.

The property owned and operated by Owen Bibb, located in sec. 10, T. 4 S., R. 11 W.

The property owned and operated by W. D. Fisher, located in sec. 34, T. 6 S., R. 13 W.

The property owned and operated by E. J. Lake, located in SW¼ sec. 13, T. 6 S., R. 12 W.

MISSOURI

Bollinger County. That portion of the county lying east and south of a line beginning at the point where the west side of R. 9 E. intersects the Bollinger-Stoddard County line; thence extending due north to where said line intersects the north side of T. 28 N., thence due east to the intersection of the west boundary line of R. 10 E., thence due north to where said line intersects the north boundary line of T. 29 N., thence due east along said line to the Bollinger-Cape Girardeau County line.

Butler County. That portion of the county lying south and east of a line beginning at the point where the north side of T. 22 N. intersects the Ripley-Butler County line, thence extending due east to where said line intersects U.S. Highway 67, thence extending northward to the point where said highway intersects the west line of R. 6 E., thence due north to a point 3 miles north of the north line of T. 24 N., thence due east to the St. Louis and San Francisco Railroad, thence northeastward along said railroad to its intersection with the St. Francis River.

Cape Girardeau County. The property owned and operated by Mr. Lonnie Watkins, located approximately 0.3 mile due west of the northwest corner of Survey 2227, T. 30 N., R. 11 E.

That portion of the county lying south and east of a line beginning at the point where the north side of T. 29 N. intersects the Bollinger-Cape Girardeau County line, thence extending due east to its junction with State Highway 25, thence northeastward along said highway to its junction with State Highway 74, thence eastward along said highway to a point where it intersects U.S. Highway 61, thence due east along a projected line to the Mississippi River.

Dunkin County. The entire county.

Mississippi County. The entire county.

New Madrid County. The entire county.

Pemiscot County. The entire county.

Ripley County. That portion of the county lying east and south of a line beginning at the point where highway Route E intersects the Missouri-Arkansas State line, thence extending northward along said highway to the point where it intersects the north boundary line of sec. 20, R. 3 E., T. 22 N., thence due east along said line to the point where it intersects highway Route N, thence due north along said highway to the point where it intersects State Highway 142, thence eastward along said highway to the point

where it turns due south and intersects the north boundary line of T. 22 N., thence due east along said line to the Ripley-Butler County line.

Scott County. The entire county.

Stoddard County. The entire county.

NORTH CAROLINA

Brunswick County. The property owned by Alma Medlin and operated by Leo Medlin Estate, located on the southwest side of State Secondary Road 1419 and 1 mile southeast of the Columbus County line.

The property owned and operated by Leo Medlin Estate, located on the southwest side of State Secondary Road 1419 and 1.1 miles southeast of the Columbus County line.

Camden County. The property owned by G. W. Abbott, located on the west side of State Secondary Road 1224 and 0.2 mile north of the junction of said road with State Secondary Road 1217.

The Woodson Farrill farm located on the west side of State Secondary Road 1114 and 0.4 mile north of the junction of said road and State Highway 343.

The L. T. McCoy farm located on the east side of State Secondary Road 1224, at the junction of said road and State Secondary Road 1234.

The property owned by Mrs. Etta Mae McPherson located on the east side of State Secondary Road 1224 and 0.5 mile north of the junction of said road and State Secondary Road 1217.

The J. E. McPherson Trust Farm located at the end of a field road 1 mile south of State Secondary Road 1239, said field road junctioning with State Secondary Road 1239, 1 mile east of the junction of said road and State Secondary Road 1224.

The Mrs. R. W. McPherson farm located on the southeast side of the junction of State Highway 343 and State Secondary Road 1132.

The Mrs. Emma Pugh farm located on both sides of State Secondary Road 1127 and 0.5 mile west of the junction of said road and State Highway 343.

The Mrs. Ruth Rothrock farm located on the north side of the junction of State Highway 343 and State Secondary Road 1132.

The Frank Sawyer farm located on the north side of State Secondary Road 1225 and at the junction of said road with State Secondary Road 1224.

The Dr. J. B. Sawyer farm located on the northwest side of State Secondary Road 1115 and 0.1 mile northeast of the junction of said road with State Secondary Road 1107.

The Mack Sawyer farm located on both sides of State Secondary Road 1225 and at the junction of said road with State Secondary Road 1217.

Carteret County. The Neal R. Campen farm located on the east side of State Highway 101 and 1 mile northwest of the junction of said highway and U.S. Highway 70.

The Neal R. Campen farm located on the east side of State Highway 101 and the south side of State Secondary Road 1163.

The G. C. Courtney farm located on the west side of State Highway 101 and 1 mile north of the junction of said highway and State Secondary Road 1169.

The Brady Golden farm located on the north side of U.S. Highway 70 and 0.1 mile west of Ward Creek.

The Heber Golden farm located on the south side of U.S. Highway 70 and 0.7 mile west of Ward Creek.

The International Paper Co. farm located on the south side of State Secondary Road 1154 and 0.5 mile west of Black Creek.

The Fred McDaniel farm located on the west side of State Highway 101 and 1.5 miles north of the junction of said highway and State Secondary Road 1169.

The C. M. Merril farm located on the east side of State Highway 101 and 1 mile south of the junction of said highway and State Secondary Road 1163.

The Justin Pake farm located on the east side of State Secondary Road 1155 and 1 mile south of the junction of said road and State Highway 101.

The L. D. Springle farm located on the east side of State Highway 101 and 1.5 miles north of the junction of said highway and State Secondary Road 1169.

The Mrs. K. W. Wright farm located on both sides of State Highway 101 and at the junction of said highway and State Secondary Road 1169.

The Mrs. K. W. Wright farm located on both sides of State Secondary Road 1165 and at the junction of said road and State Secondary Road 1168.

Chowan County. That portion of the county bounded by a line beginning at the junction of the Chowan-Perquimans-Gates County line, thence extending south along Chowan-Perquimans County line to its intersection with State Secondary Road 1305, thence west along said road to its junction with State Secondary Road 1231, thence west along said road to its junction with Chowan River, thence northwest along said river shore line to its intersection with Chowan-Gates County line, thence in a northeasterly direction along said county line to the point of beginning.

Craven County. The Eva George farm located on the north side of State Secondary Road 1712 and 1 mile northeast of the junction of said road and State Secondary Road 1715.

Currituck County. That portion of the county bounded by a line beginning at the intersection of the east shore of North Landing River and North Carolina-Virginia State line, thence extending in an easterly direction along said State line to its intersection with the east shore of Knotts Island, thence south along said shore line to Currituck Sound, thence west along said sound shore line to North Landing River, including that portion known as MacKay Island, thence north along said river shore line to the point of beginning.

The Charles Brown farm located on both sides of State Highway 168 and 0.3 mile northeast of the junction of said highway and State Secondary Road 1210.

The P. P. Gregory farm located on the east side of State Secondary Road 1147 and 0.4 mile north of Indian Creek.

The C. C. Leary farm located on the west side of State Secondary Road 1148 and 0.6 mile northwest of the intersection of said road and U.S. Highway 158.

The W. F. Leary farm located on the west side of State Secondary Road 1148 and 0.4 mile northwest of the intersection of said road and U.S. Highway 158.

The Herman Pell farm located on the southwest side of State Secondary Road 1148 and 1 mile southeast of the junction of State Secondary Roads 1148 and 1200 with U.S. Highway 158.

The Walter Roberts farm located on the west side of State Secondary Road 1148 and 1.1 miles southeast of the junction of said road and U.S. Highway 158.

The Wilbert Roberts farm located on the northeast side of State Secondary Road 1148 and 0.5 mile northwest of the junction of said road and U.S. Highway 158.

Gates County. The entire county.

Johnston County. That area bounded by a line beginning at a point where the Sampson-Johnston County line intersects State Secondary Road 1005, thence extending northeast along said road to its intersection with State Highway 50, thence northwest along said road to its junction with State Secondary Road 1171, thence north along said road to its intersection with State Secondary Road 1143, thence east along said road to its junction with State Secondary Road 1159, thence northeast along said road to its intersection with Hannah Creek, thence east along said creek to its intersection with State Secondary Road 1162, thence northeast along said road to its junction with State Secondary Road 1161, thence east along said road to its junction with State Highway 96, thence south along said highway to its intersection with State Secondary Road 1153, thence east along said road to its junction with State Secondary Road 1179, thence east along said road to its junction with State Secondary Road 1009, thence south along said road to its junction with State Secondary Road 1197, thence southeast along said road to its junction with State Secondary Road 1008, thence west along said road to its junction with State Secondary Road 1196, thence east along said road to its intersection with the Johnston-Wayne County line, thence southwest along said county line to its junction with the Sampson-Johnston County line, thence southwest and then northwest along said county line to the point of beginning.

The M. L. Allen farm located on the west side of State Secondary Road 1201 and 3.1 miles southwest of its junction with State Secondary Road 1007.

The Willie W. Beasley farm located on the north side of State Secondary Road 1106 at its junction with State Highway 242.

The Albert Edwards farm located on the north side of State Secondary Road 1007 and 0.2 mile east of its junction with State Secondary Road 2526.

The D. A. Edwards farm located on the southeast side of State Secondary Road 2542 and 0.6 mile south of its junction with State Secondary Road 1007.

The Myrtle W. Gregory farm located on the south side of State Secondary Road 1351 and 0.7 mile southeast of its junction with State Secondary Road 1166.

The M. R. Massey farm located on the west side of State Secondary Road 2372 and 0.2 mile south of its junction with State Secondary Road 2540.

The W. C. Mundin farm located on the west side of State Secondary Road 1166 at its junction with State Secondary Road 1350.

The Sherrill E. Peacock farm located on the north side of State Secondary Road 1158 and 0.3 mile east of its intersection with State Secondary Road 1171.

The A. D. Raynor farm located on both sides of State Secondary Road 1106 and 0.7 mile east of its junction with State Highway 242.

The Roger Smith farm located on the south side of State Secondary Road 1007 and 0.1 mile west of its junction with State Secondary Road 2526.

The E. G. Young farm located on the west side of State Secondary Road 1105 and 0.3 mile south of its junction with State Highway 50.

New Hanover County. That portion of the county bounded by a line beginning at a point where the ACL Railroad Bridge crosses the Northeast Cape Fear River and extending south along said railroad to State Highway 132, thence extending southeast along said highway to Smith Creek, thence west along said creek to the Northeast Cape Fear River, thence in a northwesterly and then easterly direction along said river to the Atlantic Coast Line Railroad Bridge, the point of beginning, excluding all of New Hanover County Airport.

The Mrs. C. F. Canady farm located on the north side of State Secondary Road 1403 and 1.5 miles east of its junction with State Secondary Road 1407, said junction being 0.5 mile east of U.S. Highway 17.

The J. H. Covil farm located on the north side of State Secondary Road 1403 and 0.2 mile east of its junction with State Secondary Road 1407, said junction being 0.5 mile east of U.S. Highway 17.

The H. H. Horrell farm located on the north side of State Secondary Road 1335 and 0.1 mile east of its intersection with State Highway 132.

The property owned and operated by H. C. Johnson, located on the northeast side of State Secondary Road 1327 and 0.6 mile northwest of its junction with U.S. Highway 17.

The H. C. Johnson farm located on the northeast side of State Secondary Road 1327 and 0.2 mile northwest of its junction with U.S. Highway 17.

The H. C. Johnson farm located on the south side of State Secondary Road 1403 and 1.7 miles east of its junction with State Secondary Road 1407, said junction being 0.5 mile east of U.S. Highway 17.

The property owned and operated by J. D. Murray, located at the end of State Secondary Road 1322 and 2.2 miles from its intersection with State Highway 132.

The Paul V. Robinson farm located on the west side of State Secondary Road 1402, 1 mile south of the junction of said road and State Secondary Road 1400.

The property owned and operated by Alex Trask, located on the north side of State Secondary Road 1322 and east of State Highway 132 at the intersection of these two roads.

The William E. Turner farm located on the north side of U.S. Highway 17 and 0.5 mile west of the intersection of said highway and State Highway 132.

The J. A. Yopp farm located on the south side of State Secondary Road 1322 and 1.2 miles east of its intersection with State Highway 132.

Pasquotank County. The entire county.

Pender County. That area bounded by a line beginning at a point where Long Creek junctions with the Northeast Cape Fear River, thence extending northwest along said creek to its junction with Rileys Creek, thence northeast along said creek to its intersection with State Secondary Road 1409, thence north along said road to its junction with State Secondary Road 1400, thence northeast along said road to its junction with State Highway 53, thence northeast along said highway to its junction with State Secondary Road 1509, thence east along said road to its intersection with Burgaw Creek, thence southeast along said creek to its junction with the Northeast Cape Fear River, thence south along said river to its intersection with State Highway 210, thence northeast and then southeast along said highway to its junction with State Secondary Road 1002, thence southwest along said road to its intersection with Island Creek, thence northeast and then northwest along said creek to its junction with the Northeast Cape Fear River, thence west along said river to the point of beginning.

The M. A. Boryk farm located on the west side of State Secondary Road 1400 and 0.2 mile south of the Burgaw city limits.

The Jessie J. Cartwright farm located on both sides of State Secondary Road 1345 and 0.2 mile southeast of the junction of said road and State Secondary Road 1347.

The John Oosterwyk farm located 0.8 mile southeast of U.S. Highway 17 and 1.3 miles northeast of Hampstead.

The H. C. Walker farm located on the south side of State Highway 210 and the east side of State Secondary Road 1115.

Perquimans County. That portion of the county bounded by a line beginning at the junction of the Perquimans-Gates-Pasquotank County line, thence extending southeast along Perquimans-Pasquotank County line to its intersection with State Secondary Road 1223, thence along said road to its junction with State Secondary Road 1214, thence northwest along said road to its junction with State Secondary Road 1213, thence west along said road to its junction with State Secondary Road 1200, thence south along said road to its junction with State Highway 37, thence west along said highway to its junction with State Secondary Road 1118, thence west along said road to its intersection with Perquimans-Chowan County line, thence north along said county line to its junction with Perquimans-Gates County line, thence northeast along said county line to the point of beginning.

Sampson County. The Newitt Allen farm located 0.2 mile southeast of State Secondary Road 1642, and 0.7 mile northeast of the junction of said road with State Highway 55.

The P. T. Barefoot farm located on the west side of State Secondary Road 1746, and 0.1 mile south of its junction with State Secondary Road 1819.

The Braston Bass farm located on both sides of State Secondary Road 1805 at its junction with State Secondary Road 1703.

The L. A. Blackman farm located on the west side of State Secondary Road 1643 and 0.2 mile south of its junction with State Highway 55.

The Quinton Butler farm located on both sides of State Secondary Road 1006 and 0.2 mile southeast of its junction with State Secondary Road 1338.

The C. L. Denning farm located on both sides of State Secondary Road 1705 and 0.3 mile south of its junction with U.S. Highway 13.

The Joel Draughon farm located on the east side of State Secondary Road 1625 at its junction with State Highway 55.

The Edward Elmore farm located on the east side of State Secondary Road 1607 at its junction with U.S. Highway 421.

The James Ezzell farm located on the east side of U.S. Highway 421 and 0.3 mile south of its junction with State Secondary Road 1128.

The A. P. Godwin farm located on the west side of State Secondary Road 1636 and 0.3 mile north of its intersection with State Secondary Road 1635.

The J. Leon Godwin farm located on the southwest side of State Secondary Road 1623 at its junction with State Secondary Road 1005.

The Leo Godwin farm located on the east side of State Secondary Road 1607 and 0.2 mile south of its junction with State Secondary Road 1650.

The Mrs. May J. Godwin farm located on the north side of State Highway 55 and 0.2 mile west of its intersection with State Secondary Road 1005.

The Mrs. James Herring farm located on the east side of State Secondary Road 1128 and 0.3 mile south of its junction with U.S. Highway 421.

The H. M. Jackson farm located on the east side of State Secondary Road 1456 and 0.6 mile south of its junction with State Secondary Road 1459.

The Clarence Jones farm located on the east side of State Secondary Road 1808 and 0.4 mile north of its junction with State Secondary Road 1805.

The Laura Matthis farm located on the northeast side of State Secondary Road 1006 and 0.2 mile southeast of its junction with State Secondary Road 1338.

The Charles H. McLamb farm located on both sides of State Secondary Road 1456 and 0.3 mile northwest of its junction with State Secondary Road 1338.

The Judson McLamb farm located at the intersection of State Secondary Roads 1456 and 1338.

The W. A. McLamb farm located on the southwest side of State Secondary Road 1006 and 0.4 mile southeast of its junction with State Secondary Road 1338.

The Clemmie Saunders farm located on the west side of State Highway 242 and 0.4 mile north of Piney Green.

The Mabel Smith farm located on the northwest side of State Secondary Road 1705 and 0.8 mile southwest of its junction with U.S. Highway 13.

The Wayne Smith farm located on the south side of State Secondary Road 1606 and 0.3 mile west of its junction with State Secondary Road 1607.

The Della Stewart farm located on the west side of State Secondary Road 1809 and 0.4 mile south of its intersection with State Secondary Road 1805.

The Hawley Stone farm located on the southwest side of U.S. Highway 421 and 0.6 mile southeast of its junction with State Secondary Road 1607.

The David Tew farm located on the northwest side at the junction of State Secondary Roads 1466 and 1467.

The Ottis Tew farm located on both sides of State Secondary Road 1456 and 0.3 mile south of its junction with State Secondary Road 1459.

The E. T. Turlington farm located on the south side of State Secondary Road 1322 and 0.5 mile east of its junction with State Secondary Road 1305.

The James Turlington farm located on the south side of State Secondary Road 1233 and 1 mile west of its intersection with State Secondary Road 1322.

The Kenneth Underwood farm located on the northwest side of State Secondary Road 1409 at its junction with State Secondary Road 1408.

The M. D. West farm located on the south side of State Secondary Road 1620 and 0.4 mile east of its intersection with State Secondary Road 1636.

The B. H. Westbrook farm located on the east side of State Secondary Road 1701 and 0.5 mile north of its junction with State Secondary Road 1702.

The Bruce Westbrook farm located on the east side of State Secondary Road 1641 at its junction with State Highway 55.

The Clarence Wiggins farm located on the south side of State Secondary Road 1746 and 0.3 mile west of its intersection with U.S. Highway 701.

The F. E. Williamson farm located on the north side of State Secondary Road 1240 and 0.5 mile northwest of its intersection with State Highway 24.

The F. E. Williamson farm located on the west side of State Secondary Road 1233 and 0.3 mile south of its intersection with State Highway 24.

The J. M. Wooten farm located on the west side of State Secondary Road 1807 at its junction with State Secondary Road 1636.

Tyrrell County. The J. A. Basnight farm located on the southeast side of the junction of State Secondary Road 1209 and State Secondary Road 1223.

The Herman Cahoon farm located on the northwest side of the junction of State Secondary Road 1310 and State Secondary Road 1314.

The F. T. Combs farm located on the east side of State Secondary Road 1310 and 1 mile north of the junction of said road and State Secondary Road 1309.

The W. A. Hollis farm located on the south side of State Secondary Road 1209 and 1.2 miles southeast of the junction of said road with State Secondary Road 1223.

The W. A. Howett farm located on the south side of State Secondary Road 1209 and 1 mile southeast of the junction of said road with State Secondary Road 1223.

The G. L. Liverman farm located on the east side of State Secondary Road 1310 and 0.9 mile north of the junction of said road and State Secondary Road 1309.

The G. W. Selby farm located on the north side of State Secondary Road 1320 and 0.3 mile east of the junction of said road and State Secondary Road 1315.

The Sherman Williams farm located on the southwest side of the junction of State Secondary Road 1310 and State Secondary Road 1313.

Wayne County. The property owned by Mrs. Myrtle Best and operated by Mr. C. L. Altman, located on the southwest side of State Secondary Road 1205, 0.1 mile southeast of the Wayne-Johnston County line.

TENNESSEE

Benton County. The farm owned by Elmer Barnes known as the Cherry Farm, consisting of 40 acres located in Civil District 8, south of the Ramble Creek drainage ditch and divided by State Highway 69, 2.5 miles south of Big Sandy.

Carroll County. The farm owned and operated by Kermit Cates, known as the U. L. Watkins farm, consisting of 130 acres located in Civil District 2, 3.3 miles west of the town of Trezevant on the east side of a gravel road between Republican Grove Road and State Road 105.

The farm owned by J. T. Hill, consisting of 165 acres located in Civil District 2, on the north side of State Highway 105, 4 miles northwest of the town of Trezevant.

The farm owned by Viona Pope, known as the Pope farm, consisting of 100 acres located in Civil District 2, on the north side of State Highway 105, 3.5 miles northwest of the town of Trezevant.

Chester County. That portion of Civil Districts 7 and 8 south of State Highway 100 and west of U.S. Highway 45.

Crockett County. The entire county.

Dyer County. The entire county.

Fayette County. Civil Districts 4, 5, 6, 7, and 8; and that part of Civil District 1 west of State Highway 76 and north of U.S. Highway 64.

The farm owned and operated by W. E. Graham known as the L. E. Trainer Place, consisting of 212 acres located in Civil District 2, on the east side of State Road 8055 and 0.8 mile north of U.S. Highway 64.

Gibson County. That part of Gibson County north and west of a line beginning at the point where State Highway 54 intersects the Gibson-Crockett County line, thence extending northeast along State Highway 54 to its intersection with State Highway 105 in the town of Bradford, thence east along State Highway 105 to its intersection with a gravel road in the town of Skull Bone, thence north along said gravel road to the Gibson-Weakley County line and including that portion of Civil District 25 east of State Highway 54.

The farm owned and operated by T. Baley, known as the Baley Farm, consisting of 355 acres located in Civil District 4, 1 mile south of the old Gibson Wells community and 0.5 mile east of State Highway 54.

The farm owned by Mamie Fain, known as the Mamie Fain Farm, consisting of 175 acres in Civil District 11, located 5 miles northeast of Trenton on State Highway 54.

The farm owned and operated by Ernest Scott known as the Scott Farm, consisting of 50 acres located on a county road in Civil District 18, 2.6 miles due south of Moores Chapel.

Hardeman County. The farm owned and operated by John Anderson, known as the Anderson Farm, consisting of 400 acres located in Civil District 8, 1 mile west of State Highway 138 at Cloverport.

The farm owned by Joe Johnson, known as the Johnson Farm, consisting of 300 acres located 1½ miles southwest of the intersection of U.S. Highway 64 and the Silerton Road in Civil District 7.

The farm owned and operated by Guy Newman, consisting of 77 acres located 1 mile south of U.S. Highway 64 on State Road 8081 in Civil District 7, known as the Newman Farm.

Haywood County. The entire county.

Henry County. That part of Civil District 10 lying east of U.S. Highway 79, State Highway 140 and Rural Road 8093; and all of Civil District 14.

The farm owned by Lonnie Ewen and operated by A. P. Walker, known as the Pat Mahan Place, consisting of 37 acres located in Civil District 5, 2.6 miles southwest of the intersection of State Highway 69 and Rural Road 8172.

The farm owned by Elmo J. Johnson, known as the P. A. Klutts Farm, consisting of 60 acres located in Civil District 4, 2.3 miles southwest of Como, on the north side of a gravel road, 0.8 mile west of State Road 8092.

The farm owned by Sam H. Jones, known as the Jim Perry Farm, consisting of 122 acres located in Civil District 4, 2.6 miles southwest of Como, on the south and east side of a gravel road at the Weakley County line.

The farm owned and operated by A. P. Walker, known as the Walker Farm, consisting of 196 acres located in Civil District 5, 2.6 miles southwest of the intersection of State Highway 69 and Rural Road 8172.

Humphreys County. That portion of Civil District 2 enclosed by the Tennessee River, Duck River, Briar Creek, and Stribbling Branch.

Lake County. The entire county.

Lauderdale County. The entire county.

Madison County. The farm owned by T. H. Bond, consisting of 540 acres in Civil District 7 on the north side of U.S. Highway 70, 2.7 miles west of Huntersville.

The farm owned and operated by T. H. Bond, known as the Cole Place, consisting of 50 acres located in Civil District 7 on Providence Road, 0.5 mile west of Interstate 40 and 0.1 mile east of Meriwether Creek.

The farm owned by F. A. McKinnie, consisting of 349 acres located 1 mile west of U.S. Highway 45, on the south side of State Road 8057, in Civil District 10, known as the McKinnie Farm.

The farm owned by James V. Morris, consisting of 300 acres, located in Civil District 7 on the south side of U.S. Highway 70, 2.4 miles west of the town of Huntersville.

The farm owned by Jack Terrell consisting of 93 acres located in Civil District 3, one-half mile west of Pleasant Plain Road on the north side of McClelan Road.

That part of Civil District 5, west of U.S. Highway 45 Bypass, and north of U.S. Highway 70, consisting of a 650 acre tract owned and operated by the University of Tennessee, known as the West Tennessee Agricultural Experiment Station.

McNairy County. The farm owned and operated by Mrs. Daphine Gilbert, consisting of 215 acres located 2 miles southwest of the intersection of U.S. Highway 45 and State Road 8120 at Bethel Springs, in Civil District 11, known as the Gilbert Farm.

The farm owned by Troy Williams, consisting of 46 acres located 2.1 miles southwest of the intersection of U.S. Highway 45 and State Road 8120 at Bethel Springs, in Civil District 11, known as the Williams Farm.

Obion County. The entire county.

Shelby County. The entire county.

Tipton County. The entire county.

Weakley County. The entire county.

VIRGINIA

Chesapeake City. That portion of the city bounded by a line beginning where the Nansemond County and city of Chesapeake boundaries intersect with Hampton Roads, thence extending east along the southern shore of Hampton Roads to its junction with the Elizabeth River, thence south along the Elizabeth River to its junction with the western branch of the Elizabeth River, thence southwest along the western branch of the Elizabeth River to its intersection with State Road 191, thence southeast along State Road 191 to its intersection with U.S. Highway 58, thence along an imaginary line due west to the Nansemond County-City of Chesapeake boundary, thence north along said boundary to the point of beginning.

The property owned by H. W., I. W., and James M. Etheridge, located on the south side of State Road 190, 0.1 mile east of the junction of State Roads 190 and 818.

The property owned by Johnnie B. Foster, located on the south side of State Road 610 at the junction of State Roads 610 and 686.

The property owned by Nannie Burgess Foster, Life Estate, located on the south side of State Road 610, 0.3 mile west of the junction of State Roads 609 and 610.

The property owned by Nettie Pritchard Killian, located on the north side of State Road 190, 0.2 mile east of the junction of State Roads 190 and 700.

The property owned by H. T. Murden, located on the west side of State Road 168, 0.4 mile south of the intersection of State Roads 168 and 614.

The property owned by Arthur N. and Alice Kerlin Williamson, located on the south side of State Road 190, 0.2 mile northwest of the junction of State Roads 190 and 818.

The property owned by Charles Holland Wood, located on the south side of State Road 605. 0.4 mile east of the junction of State Roads 190 and 605.

The property owned by Charles Holland Wood, located on the south side of State Road 605, 0.6 mile east of the junction of State Roads 190 and 605.

Isle of Wight County. That portion of the county bounded by a line beginning at the intersection of U.S. Highway 58 and State Road 615, thence extending east along U.S. Highway 58 to its junction with State Road 632, thence northeast along State Road 632 to its junction with State Road 612, thence east along State Road 612 to the Isle of Wight-Nansemond County line, thence southwest along said county line to its intersection with State Road 615, thence north along State Road 615 to the point of beginning.

The property owned by L. N. Alphin, Sr., located on the west side of State Road 614, 0.75 mile northwest of the junction of State Road 614 and U.S. Highway 258.

The property owned by Grace M. Ashby, located on the west side of U.S. Highway 17, 0.8 mile south of the junction of U.S. Highway 17 and State Road 32.

The property owned by the A. W. Ballard Estate, located on the west side of State Road 614, 0.9 mile south of the junction of State Road 614 and U.S. Highway 258.

The property owned by the A. W. Ballard Estate, located on the west side of State Road 614; 0.1 mile south of the Virginian Railroad right-of-way.

The property owned by Claire W. Bittle, located on the south side of U.S. Highway 58, 0.2 mile southwest of the junction of U.S. Highway 58 and State Road 630.

The property owned by James F. Bracey, Sr., and James F. Bracey, Jr., located on a private road 0.3 mile south of U.S. Highway 58, said private road junctioning with U.S.

Highway 58, 1.2 miles east of the junction of U.S. Highways 58 and 258.

The property owned by Mary Lee W. Bryant, located on the east side of U.S. Highway 258, 1 mile south of the intersection of U.S. Highway 258 and State Road 611.

The property owned by Frances Sykes De Hart, located on the east side of State Road 10, 0.3 mile south of the junction of State Roads 10 and 674.

The property owned by Alphonso L. Duck, located on a private road 0.3 mile south of State Road 648, said private road junctioning with State Road 648 at a point 0.2 mile east of the junction of State Roads 643 and 648.

The property owned by Alphonso L. Duck, Sr., located on the east side of State Road 614, 0.5 mile north of the junction of State Road 614 and U.S. Highway 258.

The property owned by the Jacob E. Eley Estate, located on the east side of State Road 643 at the junction of State Roads 643 and 603.

The property owned by Margaret Ashby Allen Fraser, located on the east side of U.S. Highway 17, 0.5 mile south of the intersection of U.S. Highway 17 and State Road 662.

The property owned by Thomas A. Gardner, located on the northeast side of State Road 606, at the junction of State Roads 606 and 690, with a wooded area owned by Thomas A. Gardner on the west side of State Road 690, 0.3 mile south of the junction of 606 and 690.

The property owned by Estelle Gibbs, located on a private road 0.3 mile west of State Road 10, said private road junctioning with State Road 10 at the junction of State Roads 10 and 32.

The property owned by Elmon T. Gray and Horace A. Gray, III, located on both sides of U.S. Highway 17, 0.5 mile north of the intersection of U.S. Highways 17 and 258.

The property owned by Alma J. and H. DeWitt Griffin, located on the north side of State Road 606 at the junction of State Roads 606 and 700.

The property owned by J. Causey Griffen, located on the southeast side of State Road 696, 0.5 mile northeast of the junction of State Roads 615 and 696.

The property owned by Ella H. Holland, located on both sides of State Road 644 at the intersection of State Roads 644 and 647.

The property owned by the Joseph H. Holland Estate, located on both sides of State Road 609 at the junction of State Roads 609 and 640.

The property owned by Wilson S. Holland, located on the east side of U.S. Highway 258, 0.3 mile south of the intersection of U.S. Highway 258 and State Road 611.

The property owned by Rufus A. Jenkins, located on the west side of State Road 609, 0.4 mile north of the intersection of State Road 609 and U.S. Highway 258.

The property owned by Frank H. Johnson, located on the east side of State Road 614 and on the north side of State Road 648, at the junction of State Roads 614 and 648.

The property owned by W. H. Jordan, located on the south side of State Road 665 at the junction of State Roads 665 and 695.

The property owned by Seth Lankford, located at the end of State Road 660, 0.4 mile southeast of the junction of State Roads 620 and 660.

The property owned by Alice L. Livsle, located on the east side of U.S. Highway 258, and south of State Road 630 at the southern junction of said highway and road.

The property owned by Carr H. Munford, located on both sides of State Road 635 at the junction of State Roads 635 and 610.

The property owned by Wilbur R. Nelms, located on the north side of State Road 644, 0.2 mile east of the intersection of State Roads 644 and 647.

The property owned by J. Craig Nelson, located at the end of State Road 662, 0.6 mile east of the junction of State Roads 662 and 663.

The property owned by Wayland A. Perry, located on the north side of State Road 630 at the junction of State Roads 630 and 631.

The property owned by W. T. Picott, located on the south side of State Road 611, 0.7 mile east of the intersection of U.S. Highway 258 and State Road 611.

The property owned by Selma H. and Frank E. Pulley, located on the west side of State Road 649, 0.6 mile west of the junction of State Roads 637 and 649.

The property owned by Harrison A. Redd, located on the north side of State Road 636, 0.3 mile east of the intersection of State Road 636 and U.S. Highway 460.

The property owned by Loftin Rhodes, located on the northwest side of State Road 641, 0.7 mile northeast of the junction of State Roads 641 and 648.

The property owned by Mrs. Vergie C. Rhodes, located on the east side of State Road 612 at the intersection of State Roads 611 and 612.

The property owned by J. Rosser Richards, located on a private road 0.3 mile east of State Road 660, said private road junctioning with State Road 660 at a point 0.4 mile southeast of the junction of State Roads 620 and 660.

The property owned by J. Rosser Richards, located on the east side of State Road 660, 0.3 mile southeast of the junction of State Roads 620 and 660.

The property owned by the Carey H. Thacker Estate, located on the east, west, and south sides of the junction of State Roads 626 and 678.

The property owned by Lizzie G. Turner, located on the west side of U.S. Highway 258, 0.2 mile north of the junction of State Roads 258 and 638.

The property owned by James H. and B. A. Vaughn, located on both sides of State Road 612, 0.5 mile north of the junction of State Roads 612 and 633.

The property owned by Livy Vellines, located on a private road on the east side of State Road 665, 0.3 mile south of the junction of State Roads 665 and 668.

The property owned by Ollie R. (Ray) Vellines, located on a private road on the east side of State Road 665, 0.6 mile south of the junction of State Roads 665 and 668.

The property owned by Elvin H. Whitley, located on the north side of State Road 611, 0.75 mile west of the intersection of U.S. Highway 258 and State Road 611.

The property owned by E. C. Williams, located on the west side of U.S. Highway 258, 0.7 mile south of the intersection of U.S. Highway 258 and State Road 611.

The property owned by Ida B. Wilson, located on a private road 0.4 mile west of State Road 652, said private road junctioning with State Road 652 at a point 0.3 mile south of the junction of State Roads 652 and 692.

Nansemond County. That portion of the county bounded by a line beginning at the intersection of the Nansemond and Isle of Wight County lines and State Road 612, thence extending southeast on State Road 612 to its intersection with the Seaboard Air Line Railroad tracks, thence east along the Seaboard Air Line Railroad tracks to its intersection with State Road 643, thence south along State Road 643 to its junction with U.S. Highway 58, thence northeast on U.S. Highway 58 to its junction with State Road 646, thence southeast on State Road 646 to its intersection with the Atlantic and Danville Railroad tracks, thence east along the Atlantic and Danville Railroad tracks to its intersection with the Virginia Electric Power Co.'s high tension lines near U.S. Highway 13, thence east along VEPCO's high tension lines to VEPCO's Suffolk Substation on State Road 604, thence along an imaginary line due east to its junction with the Jericho Canal of the Dismal Swamp, thence south along the western edge of the Dismal Swamp to the Virginia-North Carolina State line, thence west along the Virginia-North Carolina State line to the Blackwater River, thence north along the Blackwater River to the Nansemond County-Isle of Wight County line, thence northeast along said line to the point of beginning.

That portion of the county bounded by a line beginning at the point where State Road 125 and the Nansemond River intersect, thence extending north along the eastern shore of the Nansemond River to its junction with Hampton Roads, thence east along the southern shore of Hampton Roads to its intersection with the Nansemond County-city of Chesapeake boundary, thence south along said boundary to its intersection with State Road 337, thence west along State Road 337 to its junction with State Road 125, thence west along State Road 125 to the point of beginning.

The property owned by W. M. Aston, Jr., located on the east side of State Road 608, 0.2 mile north of the junction of State Roads 608 and 644.

The property owned by Rachel Duke Ellis, located on a private road 0.2 mile north of the junction of said road and State Road 634, said junction being 0.5 mile northwest of the junction of State Roads 634 and 644.

The property known as the Mills E. Godwin, Sr., Estate, owned by Mills E. Godwin, Jr., Leah Otella Godwin, Mildred Elizabeth Godwin Knight, and Mary Lee Godwin Jones Estate, located on the east and west sides of State Road 125 immediately south of the junction of State Roads 620 and 125, and the north side of State Road 620 at the junction of State Roads 620 and 125.

The property owned by the city of Portsmouth, located on the south side of State Road 604, 1 mile southeast of the junction of State Roads 604 and 640.

The property owned by C. F. Savage, located on both sides of State Road 634, 0.4 mile northwest of the junction of State Roads 634 and 644.

The property owned by Ruth M. Smith, located on both sides of State Road 630, 0.7 mile east of the junction of State Roads 628 and 630.

The property owned by Frank M. Warrington, located on both sides of State Road 603, 1.9 miles east of the junction of State Roads 10 and 603.

The property owned by George F. Wilkerson, located on both sides of State Road 628, 0.3 mile east of the junction of State Roads 628 and 692.

The property owned by the Nicholas C. Wright Estate, located on State Road 620, 1.3 miles southeast of the junction of State Roads 620 and 628.

Southampton County. The property owned by Harry G. Barrett, Jr., located on the east and west sides of State Road 673, 0.4 mile west of the junction of State Roads 673 and 708.

The property owned by Hugh A. Barrett, located on the east side of State Road 678, 0.6 mile north of the junction of State Roads 678 and 684.

The property owned by John M. Camp, Jr., Olive Camp Johnson, and Virginia Camp Smith, located on the east side of U.S. Highway 258 at the junction of U.S. Highway 258 and State Road 690.

The property owned by Earl N. Caroon, located on the west side of State Road 678 at the junction of State Roads 678 and 684.

The property owned by James Chesley, Sr., and the Alice Lewis Beale Estate, located on the southeast side of State Road 684 and the

northeast side of State Road 680 at the junction of State Roads 680 and 684.

The property owned by George T. Cutler, located on the east side of State Road 663, 0.1 mile north of the junction of State Roads 750 and 663.

The property owned by B. W. Everett, located on the north side of State Road 708 and on the west side of State Road 673, at the junction of State Roads 708 and 673.

The property owned by C. R. Everett, located on the northeast and southwest sides of State Road 678, 0.7 mile southeast of the junction of State Roads 678 and 677.

The property owned by Herman H. Grant, located on the south side of State Road 708, 2 miles west of the junction of State Roads 708 and 673.

The property owned by Greenbrier Farms, Inc., located on the west side of State Road 673, 0.6 mile south of the junction of State Roads 673 and 708.

The property owned by Mrs. Clarys McClenney Lawrence, located on the west side of State Road 714, 1.5 miles northwest of the junction of State Roads 714 and 189.

The property owned by the Mrs. Lucy C. Myrick Estate, located on the north and south sides of State Road 708, 1.2 miles west of the junction of State Roads 673 and 708.

The property owned by Sarah O'Berry Parker, located on the south side of State Road 678, 0.8 mile southeast of the junction of State Roads 678 and 673.

The property owned by Mrs. Thelma T. Simmons and the L. W. Simmons Estate, located on the east side of State Road 673, 0.2 mile south of the junction of State Roads 708 and 673.

The property owned by Mrs. Thelma T. Simmons and the L. W. Simmons Estate, located on the east side of State Road 673, 0.4 mile south of the junction of State Roads 708 and 673.

The property owned by Mrs. Thelma T. Simmons and the L. W. Simmons Estate, located on the north side of State Road 673 at the junction of State Roads 673 and 707.

The property owned by John B. Thorpe, Jr., and Rebecca R. Thorpe, located on the south side of State Road 708 and on the west side of State Road 673, at the junction of State Roads 673 and 708.

The property owned by George R. Whitley and Mildred D. Whitley, located on the northeast and southwest side of State Road 673, 0.5 mile north of the junction of State Roads 673 and 677.

The property owned by Mrs. Alice Worrell, located on the east side of State Road 673 at the junction of State Roads 673 and 708.

Virginia Beach City. That portion of the city known as Knotts Island, situated in Back Bay on the North Carolina-Virginia State line.

The property owned by H. Clay Ackiss, located on the west side of State Road 615, 1.3 miles south of the junction of State Roads 615 and 623.

The property owned by Jessie L. Barnes, located on both sides of State Road 615, 0.7 mile south of the junction of State Roads 615 and 670.

The property owned by Marion G. Bright, located on the northwest and southeast sides of State Road 777 at the southwest end of State Road 777.

The property owned by Nelson P. Brock, located on the east side of State Road 615 at the south junction of State Roads 615 and 627.

The property owned by Alex C. and Virginia S. Brown, located on the southeast side of State Road 190, 0.3 mile southwest of the intersection of State Roads 190 and 604.

The property owned by Claudia May Clifton, located on the east and west sides of State Road 615, 0.2 mile north of the junction of State Roads 615 and 671.

The property owned by Roy A. Craft, located on the east side of State Road 615, 0.1 mile south of the south junction of State Roads 615 and 627.

The property owned by Christine E. Dixon, Marie Dixon Kight, Mildred Dixon Brinkley, Barbara Dixon Jones, Charles Joseph Dixon, Evelyn Dixon Kemp, Daniel I. Dixon, and Irving Dixon, located on the east and west sides of State Road 615 immediately south of the junction of State Roads 671 and 615.

The property owned by Jesse T. Dudley, located on the north side of State Road 670 at the junction of State Roads 615 and 670.

The property owned by Clyde O. and J. W. Freeman, located on the north side of State Road 621, 0.1 mile east of the junction of State Roads 615 and 621.

The property owned by Ernest F. Grinstead, located on the north and south sides of State Road 669, 0.2 mile west of Back Bay.

The property owned by James and Maude M. Hoggard, located on the east and west sides of State Road 615, and on the northwest and southeast sides of State Road 777, at the junction of State Roads 615 and 777.

The property owned by Betty Salmons Lusk, located on the south side of State Road 759 at the junction of State Roads 663 and 759.

The property owned by Betty Salmons Lusk, located on the east side of State Road 663, 0.3 mile southeast of the junction of State Roads 621 and 663.

The property owned by Henry E. and Alice E. Mosley, located on the east side of State Road 625, 0.1 mile north of the intersection of State Roads 624 and 625.

The property owned by the Ryland J. Murden Estate, located on the west side of State Road 615 and the south side of State Road 627, at the junction of State Roads 615 and 627.

The property owned by L. L. Murphy, located on the west side of State Road 603, 0.4 mile north of the junction of State Roads 603 and 624.

The property owned by J. G. Petree, located on the east side of State Road 634, 0.7 mile south of the junction of State Roads 634 and 858.

The property owned by the Princess Anne County Board of Supervisors, located on the south side of State Road 618 and on the east side of State Road 621, at the junction of State Roads 621 and 618.

The property owned by A. Lee Salmons, located on the west side of State Road 615, 1 mile south of the south junction of State Roads 615 and 623.

The property owned by John W. Smith, located on the east and west sides of State Road 615 at the intersection of State Road 615 and the Virginia-North Carolina State line.

The property owned by William Crinshaw Smith, located on the east side of State Road 615, 0.2 mile south of the junction of State Roads 615 and 616.

The property owned by Nettie F. Spence, located on the east side of State Road 615, 1.1 miles south of the south junction of State Roads 615 and 623.

The property owned by Tilford H. Williams located on the east side of State Road 615, 0.4 mile north of the intersection of State Road 615 and the Virginia-North Carolina State line.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161, 29 F.R. 16210, as amended; 7 CFR 301.79–2)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER when it shall supersede PPC 624, 12th Rev., 7 CFR 301.79–2a, effective November 8, 1966.

The Director of the Plant Pest Control Division has determined that infestations of the soybean cyst nematode exist or are likely to exist in the civil divisions, parts of civil divisions and premises listed above, or that it is necessary to regulate such areas because of their proximity to soybean cyst nematode infestations or their inseparability for quarantine enforcement purposes from soybean cyst nematode infested localities. The Director has determined that each of the quarantined States is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the soybean cyst nematode. Accordingly, such civil divisions, parts of civil divisions and premises listed above, are designated as soybean cyst nematode regulated areas.

This revision adds to the regulated areas, for the first time, parts of the following counties: Chicot in Arkansas; Franklin and Jackson in Illinois; Daviess in Kentucky; Carteret and Craven in North Carolina; and Chester, Hardeman, and McNairy in Tennessee. Also, the already regulated areas are extended in certain localities in each of the quarantined States.

This document imposes restrictions which are necessary in order to prevent the dissemination of the soybean cyst nematode, and should be made effective promptly to accomplish their purposes in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 17th day of May 1968.

[SEAL] D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 68–6099; Filed, May 21, 1968; 8:48 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Soybean Cyst Nematode

EXEMPTIONS

Under authority of § 301.79–2 of the Soybean Cyst Nematode Quarantine regulations (7 CFR 301.79–2, as amended 33 F.R. 7556), a supplemental regulation exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.79–2b as set forth below. The Director

of the Plant Pest Control Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.79–2b Exempted articles.

(a) The following articles are exempt[1] from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (6) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said paragraphs:

(1) Root crops, such as beets, carrots, Irish potatoes, onions, radishes, rutabagas, sweetpotatoes, and turnips, if moving to a designated processing plant.[2]

(2) Peanuts, if moving to a designated processing plant.[2]

(3) Soybeans, other than for seed purposes, if harvested in bulk or into new or treated containers, and if the beans and containers for the beans have not come in contact with the soil.

(4) Unshucked ear corn, if harvested without coming into contact with the soil.

(5) Cotton picking sacks, if they have been cleaned or treated to the satisfaction of the inspector.

(6) Used farm tools and implements, if cleaned free of soil.

(b) The following articles are exempt from the certification and permit requirements of this subpart under the applicable conditions prescribed in subparagraphs (1) and (2) of this paragraph:

(1) Soil samples of any size if collected, and shipped to any U.S. Army Corps of Engineers soil laboratory located within the conterminous United States, in accordance with a compliance agreement with the shipper pertaining to such consignments;

(2) Seed cotton, if moving to a designated gin.[2]

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 30 F.R. 5799 as amended; 7 CFR 301.79–2)

This list of exempted articles shall become effective upon publication in the FEDERAL REGISTER when it shall supersede the list of exempted articles in 7 CFR 301.79a (PPC 623, 2d Revision), which became effective March 15, 1966.

The principal purpose of this document is to delete from the list of exempted articles small grains because they are no longer regulated and true bulbs and corms because the inspector at their destination cannot determine if they were properly treated or stored.

The document also makes nonsubstantive changes in the methods of handling peanuts and root crops.

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

[2] Information as to designated processing plants and gins may be obtained from an inspector. Any processing plant or gin is eligible for designation under this subpart if the operator thereof enters a compliance agreement (as defined in § 301.79–1(b)).

This document relieves certain restrictions which are not deemed necessary to prevent the interstate spread of the soybean cyst nematode and imposes other restrictions which are deemed necessary for this purpose. It should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions being relieved and to protect the noninfested States from soybean cyst nematode. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this document are impracticable and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 17th day of May 1968.

D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 68–6097; Filed, May 21, 1968; 8:47 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment) Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 4]

PART 722—COTTON

Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton

COUNTY HISTORY ACREAGE

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to simplify the procedure for excluding the county's share of the national reserve in determining county history acreage for 1967 and succeeding crops of upland cotton.

Since State and county ASCS offices are now determining 1967 history which will affect the 1969 allotment, these offices require the benefit of this amendment immediately. It is hereby determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective upon filing with the Director, Office of the Federal Register.

Section 722.404(1) of the regulations—Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton (33 F.R. 895, as amended), is revised to read as follows:

§ 722.404 Definitions.

* * * * *

(1) *History acreage for cotton in the county during the base period.* (For use in establishing county allotments; acreage devoted to production of extra long staple cotton shall be excluded.)

(i) For 1963–66, the county history acreage for each year shall be the sum of the farm history acreages in the county but not to exceed the acreage determined by subtracting the county's share of the national reserve from the acreage allocated to the farms from the county allotment, State and county reserves.

(ii) For 1967 and succeeding years, the county history acreage for each year shall be determined by subtracting the county's share of the national reserve from the sum of the history acreage on farms in the county.

* * * * *

(Secs. 344, 375, 377, 63 Stat. 670, as amended, 52 Stat. 66, as amended, 70 Stat. 206, as amended, 7 U.S.C. 1344, 1375, 1377)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 16, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68–6101; Filed, May 21, 1968; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Nectarine Reg. 2]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 916; as amended (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances,

for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof; adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 14, 1968.

§ 916.335 Nectarine Regulation 2.

(a) *Order.* (1) During the period May 22, 1968, through October 31, 1968, no handler shall handle any package or container of Grand River, June Grand, Red June, or June Belle nectarines unless:

(i) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 3 x 4 x 5 standard pack;

(ii) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 112 nectarines in the lug box; or

(iii) Such nectarines, when packed in any container other than the containers specified in subdivisions (i) and (ii) of this subparagraph, measure not less than one and fourteen-sixteenths ($1\frac{14}{16}$) inches in diameter: *Provided,* That not to exceed 10 percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the U.S. Standards for Grades of Nectarines (§§ 51.3145-51.3160 of this title) "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; No. 22D standard lug box, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 17, 1968.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–6075; Filed, May 21, 1968; 8:46 a.m.]

[Nectarine Reg. 4]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof; adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 14, 1968.

§ 916.336 Nectarine Regulation 4.

(a) *Order.* (1) During the period May 22, 1968, through October 31, 1968, no handler shall handle any package or container of Sunrise or Sunbright nectarines unless:

(i) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box; or

(iii) Such nectarines, when packed in any container other than the containers specified in subdivisions (i) and (ii) of this subparagraph, measure not less than two (2) inches in diameter: *Provided,* That not to exceed 10 percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the U.S. Standards for Grades of Nectarines (§§ 51.3145–51.3160 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; No. 22D standard lug box shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 17, 1968.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–6076; Filed, May 21, 1968; 8:46 a.m.]

[Peach Reg. 1, Amdt. 1]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order

No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of peaches grown in the State of Georgia.

Order. The provisions of § 918.310 (Peach Reg. 1; 33 F.R. 7117) are hereby amended in the following respects:

Paragraph (a) (2) and (3) thereof is revised to read as follows:

§ 918.310 Peach Regulation 1.

(a) * * *

(2) During the period May 20, 1968, through May 22, 1968, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which are smaller than 1¾ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1¾ inches in diameter.

(3) During the period May 23, 1968, through August 31, 1968, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which are smaller than 1⅞ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1⅞ inches in diameter.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated May 17, 1968, to become effective May 20, 1968.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–6102; Filed, May 21, 1968; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 68–SO–20; Amdt. 39–603]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA–28 and PA–32 Series Airplanes

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–480 (32 F.R. 13182), AD 67–26–2, to expand the effectivity and cover additional aircraft not now included in the airworthiness directive for the Piper PA–28 and PA–32 airplanes was published in 33 F.R. 5458.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), AD 67–26–2 is amended as follows:

Revise paragraph (a) to read: "On Model PA–28–235 airplanes, Serial Nos. 28–10001 through 28–10985; Model PA 32–260 airplanes, Serial Nos. 32–04, 32–1 through 32–14, and 32–16 through 32–853; Models PA 32–300 and PA 32S–300 airplanes, Serial Nos. 32–15 and 32–40000 through 32–40265."

Revise Service Bulletin number in paragraph (a) to read "Service Bulletin No. 249 or later FAA approved revision."

This amendment becomes effective May 22, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in East Point, Ga., May 14, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68–6087; Filed, May 21, 1968; 8:47 a.m.]

[Docket No. 68–AL–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Gustavus, Alaska, control zone.

The Gustavus control zone is designated within a 5-mile radius of Gustavus Airport (latitude 58°25'35" N., longitude 135°42'50" W.) and within 2 miles each side of the Gustavus RR northwest course, extending from the 5-mile radius zone to 8 miles northwest of the RR, from 0545 to 2145 hours, local time, daily.

Official hourly and special weather observations which are a prerequisite to the continued designation of the control zone will not be available after June 1, 1968.

Therefore, it is necessary to revoke the Gustavus control zone on or before June 1, 1968. In view of the circumstances, it has been determined that issuance of notice would be impracticable and unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.171 (33 F.R. 2058) the Gustavus, Alaska, control zone is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on May 13, 1968.

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 68–6057; Filed, May 21, 1968; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1324]

PART 13—PROHIBITED TRADE PRACTICES

Coleman Co., Inc.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist, The Coleman Co., Inc., Wichita, Kans., Docket C–1324, Apr. 19, 1968]

In the Matter of The Coleman Co., Inc., a Corporation

Consent order requiring a Wichita, Kans., manufacturer of heating and air conditioning units and trailer and camping equipment to cease misrepresenting the guarantees on its products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent The Coleman Co., Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of heating units, air conditioning units, automobile trailers, camping equipment, or other products, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that its products are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor

and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

2. Furnishing or otherwise placing in the hands of others any means or instrumentality by or through which they may mislead or deceive the public in the manner or as to the things prohibited by this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: April 19, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-6045; Filed, May 21, 1968; 8:46 a.m.]

[Docket No. C-1323]

PART 13—PROHIBITED TRADE PRACTICES

Head Ski Co., Inc., and Head Ski & Sportswear, Inc.

Subpart—Combining or conspiring: § 13.425 *To enforce or bring about resale price maintenance.* Subpart—maintaining resale prices: § 13.1130 *Contracts and agreements.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Head Ski Co., Inc., et al., Timonium, Md., Docket C-1323, Apr. 19, 1968]

In the Matter of Head Ski Co., Inc., a Corporation, and Head Ski & Sportswear, Inc., a Corporation

Consent order requiring two Maryland manufacturers of skis, ski accessories, and ski clothing to cease using unlawful resale price fixing and price maintenance tactics in the sale of their products to franchised dealers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent Head Ski Co., Inc., a corporation, its subsidiaries, successors, assigns, officers, directors, agents, representatives, and/or employees, individually or in concert, directly or through any corporate or other device, in connection with the manufacture, distribution, offering for sale, sale, or rental of skis, ski poles, or ski accessory products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Establishing, maintaining, or enforcing any merchandising or distribution program, plan or policy under which contracts, agreements, understandings, arrangements, or planned common courses of action or courses of dealing are entered into with its dealers which have the purpose or effect of fixing, establishing, maintaining or enforcing the prices, terms, or conditions of sale or rental at which its skis, ski poles, or ski accessory products, are to be resold or rented. This paragraph shall apply regardless of whether or not such contracts, agreements, understandings, or arrangements are otherwise lawful under the statutes, laws, or public policy now or hereafter in effect in any State, Territory, or the District of Columbia.

For the purposes of this order the phrase "terms, or conditions of sale or rental" shall mean service charges, rental fees, trade-in allowances, methods of payment, time restrictions on sale, and customer restrictions.

B. Entering into, continuing or enforcing, or attempting to enforce any contract, agreement, understanding, or arrangement, or any provision therein, which is inconsistent with subparagraph (A) above or subparagraph (C) below.

C. Engaging in any one or more of the following acts or practices:

1. Prior to selling to a prospective dealer, requiring assurances, whether by understanding, agreement, or otherwise, from such person or persons that they will agree to abide by, and will abide by the provisions of any merchandising or distribution program or policy inconsistent with the provisions of this order;

2. Requiring, directly or indirectly, any dealer to resell to respondent any unsold stock of respondent's products in the event that business relations between respondent and the dealer are terminated: *Provided,* That respondent shall not be prohibited from repurchasing such unsold stock at the request of a dealer or from obtaining an option from a dealer to repurchase such unsold stock in the event that the dealer is unable to meet his financial obligations to respondent;

3. Preventing, encouraging, restraining, regulating, interfering with or limiting, in any manner, or for any reason, any dealers from reselling, renting, exchanging, or transferring products purchased from respondent to any other dealers whether or not such other dealers are dealers of respondent except that this provision shall not prevent respondent, Head Ski Co., Inc., from excluding from the scope of its warranty or guarantee, defects caused by faulty service or improper mounting of bindings on its products by persons other than franchised dealers;

4. Preventing, restraining, regulating, or limiting dealers from selling, at retail, products purchased from respondent, to any particular class or classes of customers (including, but not limited to professional skiers, ski school personnel, ski patrol members, Federal and State agencies, the military, and educational institutions) at whatever prices, terms, or conditions of sale are independently determined by such dealers, and without prior clearance from or authorization by respondent;

5. Urging, advocating, inducing, compelling, or aiding and abetting its retail dealers to combine locally for the purpose or with the effect of arranging or agreeing upon uniform policies and programs relating to rental fees, binding mounting charges, trade-in allowances, or any other prices, fees, or charges, or terms or conditions pertaining to the sale or rental of any products purchased from respondent;

6. Using registration numbers, serial numbers or other similar identifying marks on its products as a means of tracing to particular dealers sales of skis where the purpose or effect of such tracing is to implement any programs or policies of respondent forbidden by this order;

7. For a period of three (3) years after the effective date of this order, publishing, disseminating or circulating to its dealers, or including in any advertising aids supplied or sold to its dealers, any prices or lists of prices, suggested or mandatory, at which its products may or must be resold or rented by such dealers, and after said period of 3 years unless each reference to such prices is accompanied by a clear and conspicuous statement that the resale prices stated are "manufacturer's suggested retail prices only";

8. For a period of 3 years after the effective date of this order, including in its own advertising any retail prices unless such prices are stated in terms of a multiple of $5 and are prefaced by the phrase "sells for around", and after such 3-year period from including such prices in its own advertising unless such prices are clearly and conspicuously accompanied by one of the following statements: "Manufacturer's suggested retail (list) price(s) only"; "Suggested retail (list) price(s) only"; "Sells for around (about); or "Around";

9. Circulating or publishing (1) lists of dealers or (2) notices to dealers informing them of franchises which have been added or dropped: *Provided,* That respondent may, as a matter of courtesy, once each year in the spring, inform franchised dealers in any particular area of all franchises effective in that area for that year, and respondent may sponsor advertising which lists authorized dealers in a particular area;

10. Requiring, requesting, or soliciting from its dealers assistance and cooperation in securing and reporting information to respondent regarding the failure of other dealers to observe and comply with any merchandising programs or policies of respondent containing any prices, terms, or conditions of sale or rental established or suggested by respondent;

11. Directing or requiring its area representatives, salesmen or other employees or agents to secure and report information as to the failure of its dealers to observe and comply with any merchandising programs or policies of respondent containing any prices, terms, or conditions of sale or rental established or suggested by respondent which are forbidden by this order;

12. Securing or attempting to secure assurances from its dealers, if informed

that such dealers have failed to comply with or observe the prices, terms and conditions of resale or rental established by respondent, that said dealers will observe and will comply with any merchandising programs or policies of respondent containing any prices, terms, or conditions of sale or rental established or suggested by respondent;

13. Threatening to terminate any dealer or threatening to refuse to fill reasonable orders or reorders of any franchised dealer, because such dealer has failed to observe and comply with any merchandising programs or policies of respondent containing any prices, terms, or conditions of sale or rental established or suggested by respondent;

14. For a period of three years after entry of this order, terminating any dealer, or refusing to fill reasonable orders or re-orders of any franchised dealer, because such dealer has failed to observe and comply with any merchandising programs or policies of respondent containing any prices, terms, or conditions of sale or rental established or suggested by respondent, and, after such 3-year period, establishing or following a program or policy of systematically or generally refusing to continue dealing with or filling reasonable orders and reorders of dealers who fail to observe and comply with any merchandising programs or policies of respondent containing any prices, terms, or conditions of sale or rental established or suggested by respondent.

D. For a period of three (3) years after the effective date of this order establishing or following a policy of systematically or generally refusing to sell to any dealer who desires to sell, at retail, respondent's products, for the reason that such dealer has a reputation or potentiality for discounting or cutting prices or for selling at retail to any particular customer or class of customers.

E. For a period of three years (3) after the effective date of this order, refusing to continue selling products to any existing dealer for any reason whatsoever, unless respondent at the time it notifies such dealer of its refusal simultaneously notifies the Commission of such refusal and provides the Commission with a detailed explanation of all reasons prompting such refusal.

II. *It is further ordered,* That respondent Head Ski Co., Inc., shall, within sixty (60) days after service upon it of this order, serve by registered mail:

A. On all of its dealers, on official Head Ski Co., Inc., stationary, together with a copy of this order, a copy of Letter X attached to this order signed by the Chairman of the Board of Head Ski Co., Inc.; and,

B. On each dealer terminated since January 1, 1962, a letter advising him that he may apply, within thirty (30) days from receipt of that letter, for reinstatement as a Head Ski Co., Inc., dealer.

III. *It is further ordered,* That respondent Head Ski Co., Inc., shall cease and desist from refusing or failing to reinstate any former dealer terminated since January 1, 1962 for failure to support, observe, or comply with respondent's merchandising policies or programs containing any prices, terms or conditions of sale or rental established or suggested by respondent, where such dealer (A) requests reinstatement pursuant to the provisions of paragraph II of this order and (B) is willing to adequately service and sell respondent's products.

IV. *It is further ordered,* That respondent Head Ski Co., Inc. shall submit to the Commission:

A. Within sixty (60) days after service upon it of this order a list of all dealers terminated since January 1, 1962; and

B. Within one hundred and twenty (120) days after service upon it of this order: (a) A list of all dealers who have been reinstated since service upon respondent of this order; and (b) A list of all dealers who have not been reinstated and the reason or reasons therefor.

V. After a period of 3 years from the effective date of this order, nothing in this order shall be construed to prohibit respondent Head Ski Co., Inc., from entering into, establishing, maintaining and enforcing, in any lawful manner, any price agreement excepted from the provisions of the Federal Trade Commission Act by virtue of the McGuire Act amendments to said Act or by any other applicable statutes, whether now in effect or hereafter enacted.

VI. *It is further ordered,* That respondent Head Ski & Sports Wear, Inc., a corporation, its subsidiaries, successors, assigns, officers, directors, agents, representatives, and/or employees, individually or in concert, directly or through any corporate or other device, in connection with the manufacture, distribution, offering for sale, sale or rental of ski clothing or accessory items, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Establishing, maintaining, or enforcing any merchandising or distribution program, plan, or policy under which contracts, agreements, arrangements, understandings, or planned common courses of action or courses of dealings are entered into with its dealers which have the purpose or effect of fixing, establishing, maintaining, or enforcing the prices, terms, or conditions of sale or rental at which their ski clothing or accessory items are to be resold or rented.

For the purposes of this order, the phrase "terms, or conditions of sale or rental" shall mean service charges, rental fees, trade-in allowances, methods of payment, time restrictions on sale and customer restrictions.

B. Entering into, continuing, or enforcing or attempting to enforce any contract, agreement, understanding, or arrangement, or any provision therein, which is inconsistent with subparagraph (A) above or subparagraph (C) below.

C. Engaging in any one or more of the following acts or practices:

1. Prior to selling to a prospective dealer, requiring assurances, whether by understanding, agreement, or otherwise, from such person or persons that they will agree to abide by, and will abide by the provisions of any merchandising or distribution program or policy inconsistent with the provisions of this order;

2. Requiring, directly or indirectly, any dealer to resell to respondent any unsold stock of respondent's products in the event that business relations between respondent and the dealer are terminated: *Provided,* That respondent shall not be prohibited from obtaining an option from a dealer to repurchase such unsold stock in the event that the dealer is unable to meet his financial obligations to respondent;

3. Urging, advocating, inducing, compelling, or aiding and abetting its retail dealers to combine locally for the purpose or with the effect of arranging or agreeing upon uniform policies and programs relating to any prices, fees, or charges, or terms or conditions pertaining to the sale or rental of any products purchased from respondent;

4. Using registration numbers, serial numbers or other similar identifying marks on its products as a means of tracing to particular dealers sales of its products where the purpose or effect of such tracing is to implement any programs or policies of respondent forbidden by this order;

5. Publishing, disseminating or circulating to its dealers any lists of prices at which its products may be resold by such dealers unless such prices are accompanied by a clear and conspicuous statement that the stated prices are suggested prices only;

6. Advertising any retail prices in its own advertising or in any advertising aids supplied or sold to its dealers unless such prices are clearly and conspicuously described as manufacturer's suggested retail prices only;

7. Circulating or publishing (1) lists of dealers or (2) notices to dealers informing them of franchises which have been added or dropped: *Provided,* That respondent may, as a matter of courtesy, once each year in the spring, inform franchised dealers in any particular area of all franchises effective in that area for that year, and respondent may sponsor advertising which lists authorized dealers in a particular area;

8. Requiring, requesting, or soliciting from its dealers assistance and cooperation in securing and reporting information to respondent regarding the failure of other dealers to observe and comply with any merchandising programs or policies of respondent containing any prices, terms, or conditions of sale or rental established or suggested by respondent;

9. Directing or requiring its area representatives, salesmen or other employees or agents to secure and report information as to the failure of its dealers to observe and comply with any merchandising programs or policies of respondent containing any prices, terms, or conditions of sale or rental established or suggested by respondent which are forbidden by this order;

10. Securing or attempting to secure assurances from its dealers, if informed

that such dealers have failed to comply with or observe the prices, terms, and conditions of resale or rental established by respondent, that said dealers will observe and will comply with any merchandising programs or policies of respondent containing any prices, terms or conditions of sale or rental established or suggested by respondent;

11. Threatening to terminate a particular dealership because such dealer has failed to observe and comply with any merchandising programs or policies of respondent containing any prices, terms, or conditions of sale or rental established or suggested by respondent.

D. Nothing in this order shall be interpreted to prohibit respondent Head Ski & Sports Wear, Inc., from entering into, establishing, maintaining, and enforcing in any lawful manner any price agreement excepted from the provisions of the Federal Trade Commission Act by virtue of the McGuire Act amendments to said Act or any other applicable statutes, whether now in effect or hereafter enacted.

VII. *It is further ordered,* That respondents herein shall forthwith distribute a copy of this order to all of their operating divisions.

VIII. *It is further ordered,* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 19, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-6046; Filed, May 21, 1968; 8:46 a.m.]

[Docket No. C-1326]

PART 13—PROHIBITED TRADE PRACTICES

Robert's Discount Center et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.140 *Old, reclaimed or reused product being new.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1695 *Old, secondhand, reclaimed or reconstructed as new.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order; Robert's Discount Center et al., Washington, D.C., Docket C-1326, Apr. 30, 1968]

In the Matter of Robert's Discount Center, a Partnership, and Joseph Chabbot and Robert D. Cohen, Individually and as Copartners Trading and Doing Business as Robert's Discount Center

Consent order requiring a Washington, D.C., discount merchandiser to cease advertising and selling used cameras and radios as new and misrepresenting the guarantees on such merchandise.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Robert's Discount Center, a partnership, and Joseph Chabbot and Robert D. Cohen, individually and as copartners, trading and doing business as Robert's Discount Center or under any other name or names, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of cameras, radios, or other articles of mechandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that used merchandise is new.

2. Advertising, offering for sale or selling any article of merchandise which has been used or which contains parts or materials which have been used, unless there is clear and conspicuous disclosure of such fact, in all advertising and promotional matter, on the article by tag, sticker, or similar device, and on the sales instrument or receipt given to the purchaser at the time of the sale.

3. Representing, directly or by implication, that any article of merchandise is guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in writing to the purchaser at or before the time of sale.

4. Failing to perform fully and with reasonable promptness all of their requirements and obligations under the terms of the guarantee as represented.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 30, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-6047; Filed, May 21, 1968; 8:46 a.m.]

[Docket No. C-1325]

PART 13—PROHIBITED TRADE PRACTICES

Stern-Slegman-Prins Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-30 Fur Products Labeling Act; 13.30-75 Textile Fiber Products Identification Act; 13.30-100 Wool Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act; 13.73-70 Wool Products Labeling Act; 13.73-90 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: §13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; 13.1185-30 Textile Fiber Products Identification Act; 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act; 13.1212-80 Textile Fiber Products Identification Act; 13.-1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.-1845 *Composition:* 13.1845-30 Fur Products Labeling Act; 13.1845-70 Textile Fiber Products Identification Act; 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act; 13.1852-70 Textile Fiber Products Identification Act; 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, 719, as amended, 72 Stat. 1717, sec. 8, 65 Stat. 179, secs. 2-5, 54 Stat. 1128-30; 15 U.S.C. 45, 70, 69f, 68) [Cease and desist order, Stern-Slegman-Prins Co. et al., Kansas City Mo., Docket C-1325, Apr. 26, 1968]

In the Matter of Stern-Slegman-Prins Co., a Corporation, Trading Under Its Own Name and as Norkay Woolens, and Robert M. Slegman, Ferdinand Stern, Saul Slegman, and Steven C. Higinbotham, Individually and as Officers of Said Corporation

Consent order requiring a Kansas City, Mo., clothing manufacturer and retailer to cease misbranding and falsely advertising its fur, wool and textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Stern-Slegman-Prins Co., a corporation, trading under its own name or as Norkay Woolens, or any other name or names, and its officers, and Robert M. Slegman, Ferdinand Stern, Saul Slegman, and Steven C. Higinbotham, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required

to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

B. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents Stern-Slegman-Prins Co., a corporation, trading under its own name or as Norkay Woolens, or any other name or names, and its officers, and Robert M. Slegman, Ferdinand Stern, Saul Slegman, and Steven C. Higinbotham, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the manufacture for introduction into commerce, the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth the respective common generic name of fibers in naming such fibers in the required information on stamps, tags, labels, or other means of identification attached to wool products.

4. Using the term "mohair" in lieu of the term "wool" on stamps, tags, labels, or other means of identification affixed to wool products, without setting forth the percentage of mohair contained in such wool products.

5. Failing to affix labels showing in words and figures plainly legible all the information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939, to samples, swatches, or specimens of wool products used to promote or effect the sale of such wool products.

It is further ordered, That respondents Stern-Slegman-Prins Co., a corporation, trading under its own name or as Norkay Woolens, or under any other name or names, and its officers, and Robert M. Slegman, Ferdinand Stern, Saul Slegman, and Steven C. Higinbotham, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding any textile fiber product by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such product as to the name or amount of constituent fibers contained therein.

2. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such product by representing, either directly or by implication, through the use of the terms "Silk Iridescent", or any other terms, that any fibers are present in the said textile fiber product when such is not the case.

3. Failing to affix a label to such a textile fiber product showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

4. Using a fiber trademark on a label affixed to such a textile fiber product without the generic name of the fiber appearing on the said label.

5. Using a generic name or fiber trademark on any such label whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Textile Fiber Products Identification Act and the rules and regulations promulgated thereunder the first time such generic name or fiber trademark appears on the label.

6. Using a generic name of a fiber or a fiber trademark on a label affixed to any such textile fiber product in such a manner as to be false, deceptive or misleading as to fiber content or to indicate, directly or indirectly, that such textile fiber product is composed wholly or in part of such fiber when such is not the case.

7. Failing to affix labels to samples, swatches, or specimens of textile fiber products used to promote or effect the sale of such textile fiber products showing in words and figures plainly legible all the information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Falsely or deceptively advertising any textile fiber product by:

1. Making any representation, by disclosure or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b)(1) and (2) of the Textile Fiber Products Identification Act is contained in the same advertisement, except that the percentages of the fibers present in a textile fiber product need not be stated.

2. Using a fiber trademark in advertising such textile fiber product without a full disclosure of the required content information in at least one instance in said advertisement.

3. Using a fiber trademark in advertising such textile fiber product containing more than one fiber without such fiber trademark appearing on the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

4. Using a generic name or fiber trademark of a fiber in advertising such textile fiber product in such a manner as to be false, deceptive, or misleading as to fiber content or to indicate, directly or indirectly, that such textile fiber product is composed wholly or in part of such fiber when such is not the case.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 26, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-6048; Filed, May 21, 1968; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 621—CERTIFICATION OF TEMPORARY FOREIGN LABOR FOR INDUSTRIES OTHER THAN AGRICULTURE OR LOGGING

On page 4629 of the FEDERAL REGISTER of March 16, 1968, there was published a notice of proposed rule making to amend Title 20 of the Code of Federal Regulations by establishing a new Part 621. Interested persons were given 15 days in which to submit written statements of data, views, or argument concerning the proposal. None were received

and the new 20 CFR Part 621 is hereby adopted without change and is set forth below.

Effective date. Part 621 shall be effective June 22, 1968.

Signed at Washington, D.C., this 16th day of May 1968.

WILLARD WIRTZ,
Secretary of Labor.

Sec.
621.1 Purpose.
621.2 Applications.
621.3 Determinations.

AUTHORITY: The provisions of this Part 621 issued under 8 U.S.C. 1101, 1184; 8 CFR 214.2.

§ 621.1 Purpose.

This part sets forth the procedure to be followed by employers anticipating a labor shortage in industries other than agriculture or logging (see Part 602 of this chapter) who desire certifications for temporary foreign labor pursuant to the Immigration and Naturalization Service Regulations (8 CFR 214.2(h)(ii)) in order to accord aliens classifications under section 101(a)(15)(H)(ii) (8 U.S.C. 1101(a)(15)(H)(ii)) of the Immigration and Nationality Act.

§ 621.2 Applications.

Application forms (Form ES-575-B) for certification for temporary nonagricultural foreign labor may be obtained from and should be filed in duplicate with the local office of the State employment service serving the area of proposed employment.

§ 621.3 Determinations.

(a) When received, applications for certification shall be forwarded by the local office of the State employment service to the appropriate Regional Administrator of the Bureau of Employment Security who will issue them if he finds that qualified persons in the United States are not available and that the terms of employment will not adversely affect the wages and working conditions of workers in the United States similarly employed.

(b) In making this finding, such matter as the employer's attempts to recruit workers and the appropriateness of the wages and working conditions offered, will be considered. The policies of the U.S. Employment Service set forth in Parts 602 and 604 of this chapter shall be followed in making the findings.

(c) In any case in which the Regional Administrator of the Bureau of Employment Security determines after examination of all the pertinent facts before him that certification should not be issued, he shall promptly so notify the employer requesting the certification. Such notification shall contain a statement of the reasons on which the refusal to issue a certification is based.

(d) The certification or notice of denial thereof is to be used by the employer to support his petition Form I-129B, filed with the District Director of the Immigration and Naturalization Service.

[F.R. Doc. 68-6095; Filed, May 21, 1968; 8:47 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Compensation of Committee Members

Pursuant to authority in section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and in Secretary's Order No. 19-67 (32 F.R. 12980), I hereby revise 29 CFR 511.4 to read as set forth below.

As this revision concerns only a rule of agency practice, and is not substantive, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by 5 U.S.C. 553. It does not appear that such participation or delay would serve a useful purpose. Accordingly, this revision shall be effective immediately.

As revised, § 511.4 reads as follows:

§ 511.4 Compensation of committee members.

Each member of an industry committee will be allowed a per diem of $65 for each day actually spent in the work of the committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon approval of, and shall be paid upon certification of, the Administrator or his authorized representative.

(Sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205)

Signed at Washington, D.C., this 15th day of May 1968.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 68-6056; Filed, May 21, 1968; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

Jamestown Dam and Reservoir, N. Dak.

Pursuant to the applicable provisions of sections 7 and 9 of the Act of Congress approved December 22, 1944 (58 Stat. 890, 891; 33 U.S.C. 709), § 208.50 establishing flood control regulations for Jamestown Dam and Reservoir, N. Dak., is hereby amended by revising paragraphs (a) and (d), effective upon publication in the FEDERAL REGISTER. As revised the paragraphs read as follow:

§ 208.50 Jamestown Dam and Reservoir, James River, Stutsman County, N. Dak.

* * * * *

(a) The flood control storage of the lake to reservoir which presently amounts to 192,068 acre-feet between elevation 1429.8 m.s.l. and elevation 1454.0 m.s.l. shall be regulated for flood control on the James River below the dam to effect the release of water through the river outlet works (having a capacity of 2,075 c.f.s. at elevation 1429.8 m.s.l.) as stated in the following: From the beginning of spring runoff to September 1, releases will be progressively increased as the flood storage space is filled, and will be kept at the highest rate practicable without unduly contributing to seriously damaging stages on the James River (presently estimated as 11.3 feet on the Jamestown gate and 8.6 feet on the LaMoure gage) or, prior to mid-June, causing undue prolongation of flooding which may have resulted despite the control afforded by Jamestown Reservoir; flood storage will be regulated during the period following the spring runoff to September 1 so as to retain, for use by the Regional Director as desirable to enhance the recreational and other conservation uses of the reservoir, such minimum amounts of storage in the flood zone as the District Engineer shall determine will not adversely affect the basic flood control operation of the project; from September 1 through November 15 releases will be maintained as necessary to evacuate the reservoir to elevation 1429.8 midnight of November 15 providing that such releases will not cause the river to exceed significant damage level in the Jamestown area (presently estimated as about 11.3 feet on the Jamestown gage); from November 15 to the beginning of spring runoff releases will be made as necessary to keep the pool evacuated to elevation 1429.8 providing that such releases will not cause Jamestown flows to exceed 100 c.f.s.

* * * * *

(d) The Regional Director shall arrange for the Damtender to report at once to the District Engineer by telephone, telegraph, or radio whenever the reservoir level reaches or exceeds elevation 1429.8, or flood discharges appear imminent, and to report as requested thereafter until the reservoir level falls to elevation 1429.8 or below.

* * * * *

[Regs., April 18, 1968, ENGCW-EY] (Secs. 7 and 9, 58 Stat. 890, 891; 33 U.S.C. 709)

For the Adjutant General.

J. W. HURD,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 68-6040; Filed, May 21, 1968; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

SAFETY, HEALTH, AND FIRE PROTECTION

In § 9–7.5006–47, *Safety, health, and fire protection*, paragraph (a) of Note A is revised to read as follows:

§ 9–7.5006–47 Safety, health, and fire protection.

* * * * *

NOTE A: * * *

(a) In all contracts involving use or possession of source, byproduct or special nuclear material or of production or utilization facilities which are exempt from AEC licensing requirements by AEC regulation or for which an exemption from AEC licensing has been granted by the General Manager or his designee (Ref: 10 CFR Parts 30, 40, 50, and 70);

* * * * *

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 15th day of May 1968.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 68–6026; Filed, May 21, 1968; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4416]

[Idaho 017255]

IDAHO

Withdrawal for Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for an administrative site for use of the Forest Service, Department of Agriculture.

BOISE MERIDIAN

SODA SPRINGS ADMINISTRATIVE SITE

T. 8 S., R. 42 E.,
Sec. 28, E½SW¼.

The area described aggregates 80 acres in Caribou County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MAY 16, 1968.

[F.R. Doc. 68–6049; Filed, May 21, 1968; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17935; FCC 68–522]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Increase in Maximum Radio Channel Bandwidth

Report and order. In the matter of amendment of Part 21 of the Commission's rules to increase the maximum radio channel bandwidth to 3.5 MHz in the 2110–2200 MHz frequency band, Docket No. 17935, RM–1188.

1. Notice of proposed rule making in the above-entitled matter was adopted by the Commission on December 20, 1967. Comments were requested by January 19, 1968, and reply comments by January 29, 1968. In response to a petition by the Electronic Industries Association, the Commission extended these dates to February 2, 1968, and February 12, 1968, respectively. Comments were filed by the following parties:

American Telephone and Telegraph Co. (AT&T).
Carolina Telephone and Telegraph Co. (Carolina).
Citizens Utilities Company of California (Citizens).
Electronics Industries Association, Land Mobile Communications Section (EIA-Mobile).
Electronics Industries Association, Microwave Communications Section (EIA-Microwave).
Ellijay Telephone Co. (Ellijay).
Empire Telephone Co. (Empire).
Farinon Electric (Farinon).
GT&E Service Corp. (GT&E).
Hawaiian Telephone Co. (Hawaiian).
ITT Telecommunications (ITT).
Lincoln County Telephone System (Lincoln).
Siskiyou Telephone Co. (Siskiyou).
Thermal Belt Telephone Co. (Thermal Belt).
United States Independent Telephone Association (USITA).
United Telephone Company of Arkansas, United Telephone Company of Kansas, Inc., and United Telephone Company of Missouri (United).
Western Union Telegraph Co. (Western Union).

Reply comments were filed by United only.

2. The comments filed in this proceeding fell into three basic categories. The great majority of the comments (14 out of 17) favored amending the rules as proposed in the Commission's notice of proposed rule making adopted December 20, 1967. Two of the comments (GT&E and Western Union), while in accord with the majority thinking, looked toward broadening the scope of the proceeding and one (EIA-Mobile) discussed the feasibility of the use of 2 GHz frequencies for land mobile purposes. All comments were carefully considered by the Commission and are discussed in the following paragraphs.

3. Comments filed by AT&T, Carolina, Citizens, EIA-Microwave, Ellijay, Empire, Farinon, Hawaiian, ITT, Lincoln, Siskiyou, Thermal Belt, USITA, and United favor adoption of the amendments exactly as proposed in the Commission's notice of proposed rule making.

4. GT&E, in its comments, supports the amendment to the extent that it would increase the maximum radio channel bandwidth authorized in the 2110–2200 MHz band. However, they favor an increase in the maximum bandwidth to 4.0 MHz instead of 3.5 MHz. In support of its position, GT&E states that either the 3.5 or 4 MHz bandwidth would foster development of five primary radio channels in each 20 MHz segment of the 2110–2200 MHz band allocated to the Domestic Public Point-to-Point Microwave Radio Service. However, GT&E states that the five radio channels operating with 3.5 MHz bandwidths would consume only 17.5 MHz of available spectrum thus leaving 2.5 MHz subject to restricted or impaired use due to possible interference with the primary assignments.

5. Western Union, in its comments, agrees that the petition (RM–1188) on which the proposed rule making is based has merit. However, they contend that the scope of the rule making proceeding should be broadened to include the establishment of a specific frequency plan for the 2 GHz band. Western Union would also reconsider the method for calculating necessary bandwidth contained in Part 2 of the Commission's rules. In addition, they note that the 2 GHz common carrier band is intended for relatively low capacity systems and recommend that a practical working definition of what constitutes a low capacity system be established. They believe that a provision for 240 voice channels is reasonable and that the maximum authorized radio channel bandwidth should be keyed to that capacity.

6. Comments regarding the practicability of using the 2 GHz band for land mobile services were filed by EIA-Mobile. They explore the practicability in sub-

stantial detail and conclude that the 2 GHz frequency region offers no effective relief for the land mobile spectrum problem which now exists. In support of this conclusion they state in summary that the potential usefulness of the 2 GHz band for land mobile communications is limited by the technical factors affecting system and equipment design and performance at these frequencies and that the effect of these technical factors now, and in the foreseeable future, is to make impractical the use of 2 GHz frequencies for land mobile radio for anything but very restricted and special applications.

7. United, in its reply, states that the comments filed in this proceeding indicate an overwhelming endorsement of the proposed amendment to increase the maximum authorized bandwidth in the 2110–2200 MHz band from 0.8 to 3.5 MHz. They take issue with the comments filed by Western Union regarding the establishment of a specific frequency plan and modifying the method of determining bandwidth contained in Part 2 of the rules. United states that Western Union does not put forth any specific solution to either matter but only suggests that more studies are needed. United contends that adequate bases have been given the Commission for the need to increase the allowable bandwidth as proposed and that the Commission should not further delay adoption of the amended rules merely to allow time to consider an additional matter for which no solution has been formulated. United also argues that the 240 voice channel capacity, which Western Union considers reasonable for a low capacity system, can be provided on short haul medium performance systems with the bandwidth contemplated.

8. In consideration of these comments and reply, the Commission first notes that all comments support use of the common carrier portion of the 2 GHz band for the fixed point-to-point service and that most favor adoption of the rule changes in the manner proposed in Docket 17935.

9. With respect to the Western Union comments and United's reply thereto, it is noted that Western Union advances three basic arguments:

(1) That a specific frequency plan should be established for the 2 GHz band,

(2) That the method for calculating bandwidth contained in Part 2 of the rules should be reconsidered and

(3) That a definition of a low-capacity system should be established at 240 voice channels and the maximum authorized radio channel bandwidth keyed to that capacity.

The Commission responds to these matters in the same order as follows:

(1) Although this proceeding is basically concerned with increasing the maximum authorized bandwidth in the common carrier 2 GHz bands to accommodate systems requiring voice channel densities relative to this bandwidth, there are many systems now operating in the 2 GHz bands (and it is anticipated that more will be established in the future) which do not require the maximum authorized bandwidth. Allocation of these systems on the basis of a bandwidth greater than is required to meet their particular needs would be wasteful of the frequency spectrum since only the minimum bandwidth necessary to meet the particular operational requirement should be authorized. For these reasons it does not appear that further compartmentalization of these two narrow common carrier segments of the 2 GHz band would be in the public interest;

(2) That this proceeding is concerned with Part 21 of the rules and comments concerning Part 2 will not be considered and

(3) That to relate specific number of voice channels to a radio frequency bandwidth would necessitate consideration of additional factors such as the noise requirements of the system, the number of tandem hops involved and the per channel deviation, factors which may vary with each application. In its reply, United notes that Western Union's 240 voice channel capacity could be achieved within the 3.5 MHz bandwidth under certain conditions. In view of this and the various bandwidths which systems will use on these channels, the Commission declines to adopt Western Union's proposal to consider a low capacity system as one with requirements of 240 voice channels.

10. With regard to the GT&E comments favoring an increase in maximum authorized radio channel bandwidth to 4.0 MHz rather than 3.5 MHz, the Commission feels the comments do not adequately support the position advanced. Although they state that specific RF channel assignments are not proposed, it would appear that the recommended 4.0 MHz bandwidth is predicated on the basis of such assignments. Based again on the differing bandwidth requirements of systems operating on these frequencies it would appear that the maximum 3.5 MHz bandwidth proposed by United constitutes a reasonable compromise to meet the service requirements stated and that their supporting calculations based upon C.C.I.R./C.C.I.T.T. recommendations justify such a conclusion.

11. Based upon all relevant information before it, the Commission believes that it has been adequately demonstrated that adoption of the rule changes proposed in this docket is in the public interest. Adoption of the rule changes would have the twofold result of increasing the applicability and use of the 2 GHz band and decreasing the demand for assignments in the higher, more congested common carrier bands. The Commission further believes that other matters put before it in this proceeding do not justify further delay in the institution of the rules changes contained in Docket 17935.

12. In view of the foregoing: *It is ordered,* Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that effective June 25, 1968, Part 21 of the Commission's rules is amended as set forth below.

13. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: May 15, 1968.

Released: May 17, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 21 of the Commission's rules is amended as follows:

1. Note 3 under § 21.701(a) is amended as follows:

§ 21.701 Frequencies.

(a) * * *

[3] Television transmission in this band is not authorized and radio frequency channel widths shall not exceed 3.5 MHz.

* * * * *

2. Section 21.703(g) is amended to read as follows:

§ 21.703 Bandwidth and emission limitations.

* * * * *

(g) The maximum bandwidth authorized in this service in the following frequency bands shall not exceed the limits set forth below:

Frequency band (MHz)	*Authorized bandwidth (MHz)*
2,100–2,200	3.5
3,700–4,200	20
5,925–6,875	30
10,700–11,700	50
13,200–13,250	25
17,700–19,300	100
19,400–19,700	100
27,525–31,300	200
38,600–40,000	200

* * * * *

[F.R. Doc. 68–6089; Filed, May 21, 1968; 8:47 a.m.]

[Docket No. 18050; FCC 68–534]

PART 73—RADIO BROADCAST SERVICES

Maximum Power and Antenna Height for FM Broadcast Stations in Puerto Rico

Report and order. In the matter of amendment of § 73.211(b)(3), of the rules concerning maximum power and antenna height for FM Broadcast Stations in Puerto Rico, Docket No. 18050 RM–1253.

1. The Commission has before it for consideration its notice of proposed rule making, FCC 68–230, issued in this proceeding on March 1, 1968, and published in the FEDERAL REGISTER on March 6, 1968 (33 F.R. 4204), inviting comments on a proposal to amend § 73.211(b)(3) of the rules so as to include the Virgin Islands with Puerto Rico in the exception to the general power-height limitation for Zone I and IA Class B stations.

[1] Commissioners Hyde, Chairman; and Loevinger absent; Commissioners Cox and Johnson concurring in the result.

2. Section 73.211(b)(3) of the rules provides that Class B FM broadcast stations in Puerto Rico, although located in Zone IA, may utilize powers of 25 kw with antenna heights up to 2,000 feet above average terrain. This rule, which is more liberal than the power-height combination for other Zone I and Zone IA stations, was adopted in the fourth report and order in Docket No. 14185, on October 9, 1964, 29 F.R. 14116, after consideration of the comments and data submitted by an interested party in that proceeding. The main reasons for the adoption of the present rule in Puerto Rico were; (a) The special terrain situation wherein a large mountain range runs throughout the Island in its central portion and (b) the favorable assignment situation wherein most of the separations meet the greater requirements for Zone II rather than Zone I. In view of these special considerations and in order to encourage use of higher antennas with their attendant better service to the public, we adopted a rule which permits powers of 25 kw and antenna heights up to 2,000 feet with appropriate reductions for heights above 2,000 feet on the island.

3. On February 8, 1968, Island Teleradio Service, Inc. (Island), permittee of Station WBNB–FM, Channel 250, Charlotte Amalie, V.I., filed a petition, RM–1253, requesting an amendment of § 73.211(b)(3) so as to include Virgin Islands in the exception to the general power-height limitation for Zone I and IA Class B stations. Island submits that the terrain situation in the Virgin Islands is very similar to that in Puerto Rico in that mountain ranges also exist in the central portions of the islands. As to the assignments in the Virgin Islands (four Class B channels), it points out that there are no cochannel assignments in Puerto Rico and the Virgin Islands and that all the second and third adjacent channel assignments meet the Zone II spacings. As to the first adjacent channel, it states that there is only one such assignment, Channel 249A recently assigned to Cayey at a distance of 82 miles from WBNB–FM, and that no interference would be caused or received with a Cayey station operating with maximum Class A facilities and WBNB–FM operating with 25 kw at 2,000 feet above average terrain.

4. Warrenville Broadcasting Co., permittee of FM Station WESP, Charlotte Amalie, V.I., submitted comments in support of the rule change proposed in this proceeding. We are also of the view that the proposed relaxation of the power limitations for Class B FM stations in the Virgin Islands as presently exist for Puerto Rico would serve the public interest. We are therefore adopting, with a minor editorial change, the amendment as proposed.

5. Authority for the adoption of the amendment contained herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered,* That effective June 25, 1968, § 73.211(b)(3) is amended to read as follows:

§ 73.211 Power and antenna height requirements.

* * * * * *

(b) *Maximum power and antenna height.* * * *

(3) In Puerto Rico and the Virgin Islands Class B stations may use antenna heights up to 2,000 feet above average terrain with effective radiated powers up to 25 kw. For antenna heights above 2,000 feet, the power shall be reduced so that the station's 1 mv/m contour (located pursuant to Figure 1 of § 73.333) will extend no farther from the station's transmitter than with the facilities of 25 kw and antenna height of 2,000 feet. For powers above 25 kw (up to 50 kw) no antenna heights will be authorized which result in greater coverage by the 1 mv/m contour than that obtained with the facilities of 25 kw and antenna height of 2,000 feet.

* * * * * *

7. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: May 15, 1968.

Released: May 17, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68–6090; Filed, May 21, 1968; 8:47 a.m.]

[1] Commissioners Hyde, Chairman; and Loevinger absent.

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 151]

SERVICE IN POST OFFICES

Nonavailability of Boxes of Adequate Size

Notice is hereby given of proposed rule making consisting of a revision of § 151.3 (c) (4) of Title 39, Code of Federal Regulations. The revision would provide for the assignment of a smaller box when there is no box available which is large enough to accommodate the average daily mail of a patron. In such cases, if the volume warrants, a bag or other container may be used in lieu of the box. The fee for this service would be equivalent to the rental rate for a box large enough to accommodate the daily mail volume. In addition, it is proposed that when no boxes of any size are available, patrons receiving a substantial quantity of mail would be provided firm holdout service or firm call service whereby an authorized firm employee may pick up the mail at the post office in lieu of delivery service.

Interested persons who may wish to submit written data, views, and arguments concerning the proposals may submit such comments to the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260 at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, it is proposed that paragraph (c) (4) of § 151.3 read as follows:

§ 151.3 Post offices boxes.

* * * * *

(c) *Rental rates.* * * *

(4) *When boxes of adequate size are not available.* When a box large enough to accommodate the daily average mail of a patron is not available, a smaller available box may be assigned. In such cases, if the volume warrants, a bag or other container may be used in lieu of placing the mail in the box. The fee for this service will be equivalent to the rental that would be collected for the size box necessary to accommodate the average daily mail volume. If the average daily mail volume exceeds the capacity of the largest box in the installation, the rental fee for the largest box will be collected. When there are no boxes of any size available, qualifying patrons (firms regularly receiving 50 or more letters on the first delivery trip), may be provided firm holdout service or firm call service, until a box can be assigned.

* * * * *

NOTE: The corresponding Postal Manual section is 151.334.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

MAY 16, 1968.

[F.R. Doc. 68-6086; Filed, May 21, 1968; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3000]

MINERALS MANAGEMENT

Testing Permits

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 2478 of the Revised Statutes (43 U.S.C. 1201) it is proposed to add a new subpart as set forth below. The purpose of this subpart is to establish criteria for authorizing the issuance of permits to prospective bidders to test mineral deposits being offered for competitive bidding. Such testing will enable prospective bidders to evaluate a mineral deposit for bidding purposes, under conditions that will protect the public interest in the lands and in the mineral deposits. It will facilitate and stimulate competition for mineral resources, and permit more informed bidding.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

A new subpart is added to Chapter II of Title 43 of the Code of Federal Regulations, to read as follows:

Subpart 3002—Testing Permits Prior to Competitive Bidding

§ 3002.0–1 Purpose.

This subpart establishes criteria for authorizing the issuance of permits to prospective bidders to test mineral deposits being offered for competitive leasing.

§ 3002.0–2 Objective.

The objective of this subpart is to facilitate competition for mineral resources and to permit more informed bidding by allowing prospective bidders to secure sufficient information prior to bidding to evaluate a mineral deposit for bidding purposes, under terms and conditions that will protect the public interest in the land and in the mineral deposits.

§ 3002.0–3 [Reserved]

§ 3002.0–4 Responsibilities.

(a) The authorized officer of the Bureau of Land Management will issue permits, will establish terms and conditions which will assure protection and rehabilitation of nonmineral resources that may be affected by testing, will determine compliance with these terms and conditions, and will authorize cancellation of bonds. If the lands are under the jurisdiction of another Federal agency, that agency will advise the authorized officer of the Bureau of Land Management of the terms and conditions to be included in the permit.

(b) The authorized officer of the Geological Survey will establish terms and conditions of testing and post-testing operations, will examine and approve testing plans, supervise testing, and determine when testing requirements have been met.

§ 3002.0–5 Definitions.

"Mineral deposits" refers to any federally-owned mineral deposits which are subject to disposition by competitive leasing, except oil, gas, and oil shale, and those held in trust for Indians. However, the term does include native asphalt, solid and semisolid bitumen and bituminous rock (including oil impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried). This term does not include deposits subject to leasing under the Outer Continental Shelf Lands Act (67 Stat. 462, 43 U.S.C. 1331–1342).

§ 3002.1 Application for permits.

(a) Any person qualified to bid for the minerals which will be offered for competitive leasing may apply for a testing permit.

(b) No specified form of application is required.

(c) Each application shall identify the deposit, and, by legal description or metes and bounds, the tract to be tested.

(d) Each application shall be filed in the proper land office for the land on which testing is to be conducted, together with a nonrefundable $10 filing fee, within 30 days after first publication of notice of lease sale.

§ 3002.2 Permits.

(a) The issuance of permits under this subpart is discretionary with the authorized officer of the Bureau of Land Management.

(b) Permits may be issued for any period up to 6 months.

(c) Permits may be cancelled by the authorized officer, Bureau of Land Management, for noncompliance with the terms thereof.

(d) Each permit shall contain such stipulations, terms, and conditions for the protection and rehabilitation of the land as the authorized officer of the Bureau of Land Management shall determine are necessary, and shall incorporate by reference a plan and schedule of testing approved by the authorized officer of the Geological Survey.

(e) Each permit shall require that data derived by testing be submitted to the Geological Survey within 15 days after the termination of the permit, for the use of the United States. All data, except that submitted by the lessees of the deposit, if any, will be made available to the public by the Geological Survey after the deposit is leased or the offer to lease such deposit is otherwise terminated.

(f) The issuance of a permit conveys no right except the right to test in accordance with the prescribed terms and conditions.

§ 3002.3 Bonds.

(a) A performance bond in the amount of not less than $5,000 shall be specified by the authorized officer of the Bureau of Land Management and be furnished by the applicant before a permit is issued. State or nationwide bonds or a rider to existing State or nationwide bonds are acceptable.

(b) Upon completion of testing in compliance with all the terms and conditions of the permit, to the satisfaction of the authorized officers, Bureau of Land Management and Geological Survey, the authorized officer, Bureau of Land Management, will give his consent to the cancellation of the bond, if an individual bond was submitted, or to the termination of the period of liability, if a State or nationwide bond was submitted. Where the surface of the tested land is in private ownership or is under the administration of another Federal agency, the authorized officer shall not consent to such cancellation, however, until he has received written acknowledgment from the surface owner or administrator of his satisfaction with the rehabilitation of the surface. In the event of inability to reach agreement, the authorized officer of the Bureau of Land Management has the final determination of the question of satisfactory performance. In such case he shall give his consent to cancellation of the bond upon making a determination that the terms and conditions of the permit have been met.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MAY 16, 1968.

[F.R. Doc. 68-6050; Filed, May 26, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1064]

[Docket No. AO-23-A35]

MILK IN GREATER KANSAS CITY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Kansas City, Mo., on April 2, 1968, pursuant to notice thereof issued on March 25, 1968 (33 F.R. 5086).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on April 26, 1968 (33 F.R. 6713; F.R. Doc. 68-5287) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (33 F.R. 6713; F.R. Doc. 68-5287) are hereby approved and adopted and are set forth in full herein:

The material issue on the record of the hearing relates to elimination of the Class I price supply-demand adjustment.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Elimination of the supply-demand adjustment. The supply-demand adjustment to the Class I price of the Greater Kansas City order should be eliminated.

The Kansas City order presently contains a supply-demand provision which adjusts the Class I price each month according to the relationship of total producer receipts to the quantity of such receipts used in Class I milk. This provision has been suspended for the period December 1967 through May 1968.

Producer cooperative associations which supply over 90 percent of the milk to the market proposed elimination of the adjustment. They stated that it presently is ineffective in modifying producer returns and if it were reinstituted it would yield Class I prices which would be low relative to prices in surrounding markets. There was no testimony in opposition to this proposal.

The supply-demand adjustors have been eliminated recently in the nearby Ozarks, St. Louis, Oklahoma Metropolitan, and Wichita Federal orders. They have also been deleted from several other orders. Some of the remaining Federal orders located in the same general region as Kansas City have not had supply-demand adjustors in the past. Handlers regulated under the Kansas City order compete with handlers regulated under these other orders for Class I sales and for producer milk. Thus, a supply-demand adjustment in the Kansas City market could cause its Class I prices to be inappropriately high or low relative to Class I prices in nearby order markets.

Handlers regulated under the Des Moines, North Central Iowa, Nebraska-Western Iowa, Ozarks, and Wichita Federal orders distribute about 30,000 pounds of milk daily in the Kansas City marketing area. Kansas City handlers, on the other hand, distribute approximately 150,000 pounds of milk daily in the Des Moines, Nebraska-Western Iowa, Neosho Valley, Oklahoma Metropolitan, Ozarks and Wichita marketing areas. None of these competing order markets have a supply-demand adjustor which currently operates to vary the Class I price from month to month. Thus, continuing the supply-demand adjustment in the Kansas City order could cause the Kansas City Class I price to be out of line with prices in these competing markets.

The supply-demand adjustment does not currently perform its intended function of signaling through a price change any imbalance of supply and sales. This is because present order prices are not the effective prices in the market. Prices paid by Kansas City handlers for Class I milk now exceed order Class I prices by 50 cents per hundredweight. The 50-cent premium over the order price has been paid by handlers since September 16, 1967.

In order for a supply-demand adjustor to operate in an appropriate or beneficial way in this market, it must have a significant influence on the effective Class I price level. If the premium situation were to exist for a considerable length of time, the premium price would be the one which influences the supply-sales balance rather than the supply-demand adjustor price. Where premiums are effective the supply-demand adjustor is not only rendered inconsequential but it usually results in order prices below those which it would provide if it were effective.

For example, the 50-cent premium instituted in this market may attract an increase in supply relative to sales. This would call for a minus supply-demand adjustor which could be as much as 45 cents. But when the minus 45 cents is applied to the minimum order price, such price may be too low to maintain an adequate supply.

Since the supply-demand adjustor in this order is not performing its intended purpose, it should be eliminated.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

No briefs were filed.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determi-

nations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

No exceptions were filed.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Greater Kansas City Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Greater Kansas City Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

DETERMINATION OF REPRESENTATIVE PERIOD

The month of March 1968 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order set forth below, as amended and as hereby proposed to be amended, regulating the handling of milk in the Greater Kansas City marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on May 16, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] *Amending the Order Regulating the Handling of Milk in the Greater Kansas City Marketing Area*

§ 1064.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on April 26, 1968, and published in the FEDERAL REGISTER on May 2, 1968 (33 F.R. 6713; F.R. Doc. 68-5287), shall be and are the terms and provisions of this order, and are set forth in full herein: Section 1064.51(a) is revised to read as follows:

§ 1064.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I price shall be the basic formula price for the preceding month plus $1.30 and plus 20 cents through April 1969;

* * * * *

[F.R. Doc. 68-6073; Filed, May 21, 1968; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of Foreign Direct Investments

[15 CFR Part 1000]

FOREIGN DIRECT INVESTMENT REGULATIONS

Notice of Proposed Rule Making

Introduction. Notice is hereby given that the Office of Foreign Direct Investments proposes to promulgate various amendments to the Foreign Direct Investment Regulations (the "regulations") (15 CFR Part 1000).

Proposed § 1000.203 of the regulations will replace current § 1000.203 (Liquid Foreign Balances). The proposals respecting §§ 1000.201 (Prohibited Direct Investment in Affiliated Foreign Nationals), 1000.312(a)(7) (Transfers of Capital), 1000.313(d)(1) (Net Transfer of Capital), 1000.324 (Long-Term Foreign Borrowing), 1000.503 (Positive Direct Investment Not Exceeding $100,000) and 1000.505(a) (Transfers Between Affiliated Foreign Nationals) supersede the proposals respecting such provisions which were published in the FEDERAL REGISTER on April 30, 1968, while proposed Subpart K supersedes proposed General Authorization No. 4 published in the FEDERAL REGISTER on March 12, 1968. Accordingly, all of such prior proposals are hereby withdrawn.

The principal revisions are as follows:

(1) Proposed § 1000.203 requires that, as of June 30, 1968, and as of the end of every month thereafter, the liquid foreign balances held by a direct investor be maintained at a level not in excess of the average end-of-month amounts of the same so held by the direct investor during 1965 and 1966. The section, as redrafted, defines the term "foreign balances" to include foreign bank deposits (including certificates of deposit and fixed interest deposits), negotiable instruments and commercial paper of unaffiliated foreign nationals (other than negotiable instruments or commercial paper arising from the export by the direct investor of goods or services from

the United States to foreign nationals), and securities issued or guaranteed by a foreign country. The term "liquid foreign balances" is defined as foreign balances other than (a) negotiable instruments, commercial paper and securities which are not redeemable at the option of the direct investor and are not transferable and readily marketable; (b) bank deposits, negotiable instruments and commercial paper which have a period of more than 1 year remaining to maturity when acquired by the direct investor and which are not redeemable in full at the option of the direct investor within a period of 1 year after such acquisition; and (c) foreign balances which are subject to restrictions of a foreign country on liquidation and transfer. The proposed section also contains a definition of "direct investment liquid foreign balances" as liquid foreign balances representing the proceeds of foreign borrowings held by a direct investor in anticipation of making transfers of capital to affiliated foreign nationals. Direct investment liquid foreign balances are excluded in calculating the average end-of-month amounts of liquid foreign balances held during 1965 and 1966; they are included, however, in calculating the amount of liquid foreign balances held as of the end of any month commencing June 30, 1968, unless, among other things, the direct investor (prior to June 30, 1968, or the first date it holds direct investment liquid foreign balances, whichever is later) certifies to the Secretary that it will not make transfers of capital to affiliated foreign nationals (in the form of transfers of cash, negotiable instruments, commercial paper, certificates of deposit or securities) other than by utilizing the direct investment liquid foreign balances which it then holds.

(2) Proposed § 1000.324 defines "long-term foreign borrowings" by a direct investor, incorporating in the definition the 12-month maturity provision now included in current § 1000.504(b)(1) and previously published proposed § 1000.313 (d)(1). Proposed § 1000.324 makes clear that the refinancing of a foreign borrowing (by virtue of the renewal, extension or continuance thereof or the application of the proceeds of a subsequent foreign borrowing) does not constitute a repayment of the initial borrowing, and further provides that the issuance of equity securities by a direct investor upon the conversion of a debt instrument issued by the direct investor is deemed to be repayment of the borrowing in an amount equal to the principal amount of debt converted. Proposed § 1000.324 also defines the term "proceeds of a long-term foreign borrowing" to include the original proceeds paid to the direct investor plus all amounts subsequently paid to the direct investor which effectively represent a return of such original proceeds; in calculating the amount of proceeds which are available at any time to be expended in making transfers of capital, the direct investor should deduct the amount of the borrowing previously repaid and the amount of such proceeds previously expended in making transfers of capital.

Example 1. In January 1968, a direct investor borrows $1 million from a foreign bank pursuant to a 5-year term loan agreement and immediately lends $500,000 to an affiliated foreign national. The affiliated foreign national repays $100,000 to the direct investor on October 31, 1968, and the direct investor repays $250,000 of the long-term foreign borrowing to the foreign bank on December 31, 1968. In this situation, the direct investor has $600,000 of long-term foreign borrowing proceeds available on November 1, 1968, to be expended in making transfers of capital, and $350,000 so available on January 1, 1969.

(3) Section 1000.503 has been redrafted to make clear that the section does not authorize positive direct investment by a direct investor during any year of more than $100,000 in any one Scheduled Area or of more than $100,000 in the aggregate in all Scheduled Areas. It also provides that, if the incorporated affiliated foreign nationals of a direct investor in Schedule C have total losses during any year or if the direct investor has a negative net transfer of capital to Schedule C during any year, such losses or negative net transfer of capital shall not be taken into account in calculating positive direct investment in Schedule C for such year under § 1000.503.

Example 2. During 1968, direct investor has positive direct investment of $500,000 in Schedule A countries, negative direct investment of $300,000 in Schedule B countries, and negative direct investment of $100,000 in Schedule C countries. Section 1000.503 is inapplicable in this situation and the entire $500,000 positive direct investment in Schedule A is prohibited by § 1000.201 unless another general authorization is available or a specific authorization has been obtained.

Example 3. During 1968, direct investor has positive direct investment of $50,000 in Scehdule A countries and positive direct investment of $60,000 in Scehdule B countries. Section 1000.503 is inapplicable in this situation, regardless of the amount of positive or negative direct investment in Schedule C countries during 1968. The entire $50,000 of positive direct investment in Schedule A (as well as the entire $60,000 of positive direct investment in Schedule B) is prohibited by § 1000.201 unless another general authorization is available or a specific authorization has been obtained.

Example 4. During 1968, direct investor's incorporated affiliated foreign nationals in Schedule C have a total loss of $300,000 and direct investor makes a positive net transfer of capital of $400,000 to Schedule C. The positive net transfer of capital is not authorized by § 1000.503.

Example 5. During 1968, direct investor's share of reinvested earnings of incorporated affiliated foreign nationals in Schedule C amounts to $200,000 and direct investor makes a negative net transfer of capital of $100,000 to Schedule C countries. The reinvested earnings of $200,000 are not authorized by § 1000.503.

(4) Paragraph (a) of proposed § 1000.505 has been corrected to make clear that transfers between affiliated foreign nationals of a direct investor are deemed to involve transfers by and to the direct investor if the direct investor has more than a 50 percent ownership interest in either the transferor or transferee affiliated foreign national.

(5) Proposed Subpart K conforms the language of what is now proposed General Authorization No. 4 (published in the FEDERAL REGISTER on Mar. 12, 1968) to the language employed in the proposed amendments to the regulations published in the FEDERAL REGISTER on April 30, 1968. The proposed subpart authorizes positive direct investment in Canada during any year without limitation as to amount. In addition, it (a) excludes direct investment in Canada from a direct investor's calculation of direct investment in Schedule B countries for the years 1965 and 1966 and for any period after the effective date of the regulations; (b) excludes from the term "long-term foreign borrowings" all borrowings by a direct investor after March 31, 1968, from Canadian residents or from corporations or other entities organized under the laws of Canada or any political subdivision thereof; and (c) excludes "Canadian foreign balances" (as defined in proposed § 1000.1105(b)(1)) from a direct investor's calculation of its holdings of foreign balances during 1965 and 1966 and after the effective date of the regulations.

Example 6. Direct investor (D) has a wholly owned subsidiary in Canada (X), while X itself has wholly owned subsidiaries in Brazil (Y) and the United Kingdom (Z). The following occurs during 1968: D makes a $1,000 capital contribution and $2,500 loan to X; D repays a loan of $200 to Z and Z repays a loan of $500 to Y; X makes $1,000 capital contributions to each of Y and Z. In this situation, the net positive transfer of capital to Non-Canadian Schedule B affiliates is $700 (consisting of D's $200 repayment to Z and X's $1,000 capital contribution to Z less Z's $500 repayment to Y), and the net positive transfer to Canadian affiliates (all of which is authorized by proposed section 1000.1102) is $1,500 (consisting of D's $1,000 capital contribution and $2,500 loan to X less X's $1,000 capital contributions to each of Y and Z.

Example 7. Direct investor (D) has wholly owned subsidiaries in Canada (W) and the United Kingdom (X). W has a wholly owned subsidiary in Australia (Y) and X has a wholly owned subsidiary in Canada (Z). The following occurs during 1968: Z earns $200 and pays a dividend of $100 to X; X earns $500 (including the dividend from Z) and pays a dividend of $300 to D; Y earns $100 and pays a dividend of $50 to W; W earns $200 (including the dividend from Y) and pays a dividend of $100 to D. In this situation, D's share in the total reinvested earnings of Non-Canadian Schedule B affiliates (X and Y) is $250, computed as follows:

Earnings of X and Y ($600) less dividend paid by Z to X ($100)	$500
Less dividends paid by X and Y ($350 less $100 dividend paid by Z to X)	−250
D's share in total reinvested earnings of X and Y	250

D's share in the total reinvested earnings of Canadian affiliates is $200, all of which is authorized by proposed § 1000.1102.

Interested persons are invited to submit written comments, suggestions, or objections concerning the proposed amendments to the Chief Counsel, Legal Division, Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230. Such communications concerning the proposed amendments will be considered if received

within 10 days after publication of this notice in the FEDERAL REGISTER. Subsequent to such time, the proposed amendments, if adopted, will be published in the FEDERAL REGISTER in final form either as proposed or as they may be changed in the light of comments received.

The texts of the proposed revisions are as follows:

1. The following § 1000.201 supersedes proposed § 1000.201 as published in the FEDERAL REGISTER of April 30, 1968:

§ 1000.201 Prohibited direct investment in affiliated foreign nationals.

(a) Except as provided in §§ 1000.503 and 1000.504, and as otherwise permitted by the Secretary of Commerce (hereinafter referred to as the Secretary) by means of rulings, instructions, authorizations, waivers, exemptions or otherwise, all of the following are prohibited during any year (as defined in § 1000.321) commencing with the effective date:

(1) Positive direct investment (as defined in § 1000.306(a)) by a direct investor in affiliated foreign nationals of such direct investor in Schedule A or B countries;

(2) A positive net transfer of capital (as defined in § 1000.313(c)) by a direct investor to affiliated foreign nationals of such direct investor in Schedule C countries; and

(3) Reinvestment by a direct investor of any portion of its share in the total earnings of incorporated affiliated foreign nationals of such direct investor in Schedule C countries (calculated in accordance with § 1000.306(b)).

(b) All transactions prohibited by section 1 of Executive Order 11387 which are not prohibited by this part are hereby authorized.

(c) To the extent delineated from time to time by the Board of Governors of the Federal Reserve System nothing in this part shall apply to any bank or other financial institution certified by the Board as being subject to the Federal Reserve Foreign Credit Restraint Program, or to any program instituted by the Board under section 2 of Executive Order 11387.

(d) In addition to all other powers reserved to the Secretary in this part, the Secretary may, in his discretion, with respect to any direct investor, amend or revoke the authorizations set forth in §§ 1000.503 and 1000.504 by reducing the amount of positive direct investment, positive net transfers of capital and/or reinvestment of earnings authorized during a calendar year, by amending the application of such authorizations and § 1000.201 from "during any year" to periods shorter than a year, and by otherwise imposing conditions with respect to such authorizations as the Secretary shall deem appropriate to carry out the purposes of this part. In exercising his discretion with respect to any direct investor, the Secretary shall consider, among other factors, the following:

(1) Whether the positive direct investment, positive net transfers of capital and/or reinvestment of earnings of such direct investor during any calendar quarter is, or may reasonably be estimated to be, materially in excess of 25 percent of the amount thereof generally authorized to such direct investor during the calendar year;

(2) Whether the transactions resulting in such excess during such quarter are in accordance with customary business practices of the direct investor; and

(3) Whether the direct investor has complied with the provisions of Subpart F of this part.

2. Section 1000.203 is amended to read as follows:

§ 1000.203 Liquid foreign balances.

(a) For purposes of this section:

(1) The term "foreign balances" means money on deposit in a bank in a foreign country (including certificates of deposit and fixed interest deposits of such a bank), negotiable instruments and commercial paper of an unaffiliated foreign national (other than negotiable instruments or commercial paper arising from the export by the direct investor of goods or services from the United States to foreign nationals) and securities issued or guaranteed by a foreign country;

(2) The term "liquid foreign balances" means foreign balances (as defined in subparagraph (1) of this paragraph) other than (i) negotiable instruments, commercial paper, and securities which are not redeemable at the option of the direct investor and are not transferable and readily marketable; (ii) bank deposits, negotiable instruments and commercial paper with a period of more than 1 year remaining to maturity when acquired by the direct investor and which are not redeemable in full at the option of the direct investor within a period of 1 year after such acquisition; and, (iii) foreign balances which are subject to restrictions of a foreign country on liquidation and transfer; and

(3) The term "direct investment liquid foreign balances" means liquid foreign balances (as defined in subparagraph (2) of this paragraph) which represent the proceeds of long-term foreign borrowings made by a direct investor (as defined in § 1000.324) and which are held by the direct investor in anticipation of making transfers of capital to affiliated foreign nations of the direct investor.

(4) Foreign balances shall be deemed to be held by a direct investor if title to such balances is held (i) by any person (including an affiliated foreign national of the direct investor) principally formed or availed of for the purpose of holding title to such balances; or (ii) by any person (including an affiliated foreign national of the direct investor), if such balances are returnable to the direct investor on its demand without material conditions and if the holding of such balances is unrelated to the business needs of such person; and

(5) Negotiable instruments, commercial paper and securities constituting foreign balances shall be valued at their respective fair market values or, if evidence of fair market value is not readily available, at the cost to the direct investor.

(b) (1) Except as provided in paragraph (c) of this section and as otherwise provided by the Secretary by means of rulings, instructions, authorizations, waivers or otherwise, each direct investor is hereby required, on or before June 30, 1968, to reduce the amount of liquid foreign balances held by such direct investor to an amount not in excess of the average end-of-month amounts of the same so held by such direct investor (whether or not a direct investor at that time) during 1965 and 1966; and, thereafter, to limit the amount of such balances held by the direct investor at the end of any month to such reduced amount.

(2) In calculating the average end-of-month amounts of liquid foreign balances held by a direct investor during 1965 and 1966, all direct investment liquid foreign balances so held by the direct investor shall be excluded. In calculating the amount of liquid foreign balances held by a direct investor as of the end of any month commencing June 30, 1968, all direct investment liquid foreign balances shall be included, unless:

(i) The direct investor maintains books and records which identify separately all proceeds of foreign borrowings which it receives, the amounts thereof held as foreign balances, liquid foreign balances and direct investment foreign balances, the uses to which the remainder of such proceeds have been put, and the income and profits earned by the direct investor from the investment and reinvestment of such proceeds in affiliated foreign nationals; and

(ii) The direct investor shall have filed with the Secretary (on or before June 30, 1968, or the first date on which the direct investor holds direct investment liquid foreign balances, whichever is later) a certificate executed by a duly authorized representative of the direct investor undertaking that the direct investor will not, at any time when it holds direct investment liquid foreign balances, make any transfers of capital (in the form of transfers of cash, certificates of deposit, negotiable instruments, commercial paper or other securities) to any affiliated foreign nationals of the direct investor prior to expending such direct investment liquid foreign balances, or the proceeds thereof, in making transfers of capital.

(c) A direct investor shall not be required to comply with the provisions of paragraph (b) (1) of this section at any time when the total amount of foreign balances held by the direct investor does not exceed $25,000.

3. The following paragraph (a) (7) supersedes paragraph (a) (7) of § 1000.312 as published in the FEDERAL REGISTER of April 30, 1968:

§ 1000.312 Transfer of capital.

(a) * * *

(7) A transfer of funds or other property by the direct investor to any person wheresoever located in complete or partial satisfaction of a long-term foreign borrowing made by the direct investor

before or after the effective date, to the extent the proceeds of the borrowing were deducted in calculating net transfers of capital under § 1000.313(d)(1) during any period (including the years 1965 and 1966).

* * * * *

4. The following paragraph (d)(1) supersedes proposed paragraph (d)(1) of § 1000.313 as published in the FEDERAL REGISTER of April 30, 1968:

§ 1000.313 Net transfer of capital.

* * * * *

(d) * * *

(1) There shall be deducted an amount equal to that portion of the proceeds of long-term foreign borrowings by the direct investor as is or was expended during such period in making transfers of capital to affiliated foreign nationals (including for this purpose any borrowing made after the date of any such transfer of capital but as part of one transaction or a group of integrated transactions, provided the borrowing was made during the same period); and

* * * * *

5. The following § 1000.324 supersedes proposed § 1000.324 as published in the FEDERAL REGISTER of April 30, 1968:

§ 1000.324 Long-term foreign borrowing.

(a) "Long-term foreign borrowing" means a borrowing by a direct investor from any foreign national (other than an affiliated foreign national) with an original maturity of at least 12 months from the original date of the borrowing, including, but not by way of limitation, an extension of credit by any such foreign national to the direct investor in connection with the purchase of property (including securities) by the direct investor from such foreign national. For purposes of this paragraph (a) a borrowing shall be deemed to have an original maturity of at least 12 months if (in the case of borrowings made prior to the effective date of the regulations) the borrowing was (or is) not in fact repaid within 12 months from the original date of borrowing or (in the case of borrowing made after the effective date of the regulations) there exist provisions for renewal, extension or continuance of the borrowing for a total term of at least 12 months and not the direct investor certifies that it reasonably expects that the borrowing will not in fact be repaid in less than 12 months from its original date.

(b) (1) The refinancing in whole or in part of a long-term foreign borrowing (by virtue of the renewal extension of continuance thereof or a subsequent long-term foreign borrowing from the same or another lender) shall not, to that extent, be deemed a repayment of the borrowing.

(2) The delivery of equity securities of a direct investor to holders of debt instruments issued by the direct investor in connection with a long-term foreign borrowing, pursuant to the exercise of conversion or similar rights, shall be deemed a repayment of the borrowing to the extent of the principal amount of indebtedness surrendered by such holders in exchange for such equity securities.

(c) "Proceeds of a long-term foreign borrowing" means (1) the proceeds thereof originally paid to the direct investor (or, in the case of an underwritten issue of debt instruments, the price paid by the first purchasers thereof, other than underwriters or dealers) plus (2) all amounts (other than amounts representing income or profits earned from investments or reinvestments of such proceeds) subsequently paid to the direct investor by foreign nationals (including affiliated foreign nationals) which effectively represent a return to the direct investor of proceeds invested or reinvested in affiliated foreign nationals: *Provided*, That a return of such amounts to the direct investor shall not be deemed a transfer of capital to the direct investor by affiliated foreign nationals of the direct investor under § 1000.312(b).

(d) In calculating the amount of proceeds of a long-term foreign borrowing which are available to a direct investor to be expended in making transfers of capital to affiliated foreign nationals at any time, there shall be deducted (1) the principal amount of the borrowing theretofore repaid by the direct investor and (2) the amount of such proceeds of the borrowing theretofore expended by the direct investor in making transfers of capital to affiliated foreign nationals.

6. The following § 1000.503 supersedes proposed § 1000.503 as published in the FEDERAL REGISTER of April 30, 1968:

§ 1000.503 Positive direct investment not exceeding $100,000.

A direct investor is authorized, during any year, to make positive direct investment in Scheduled Areas A, B and C not amounting to more than $100,000 in any one Scheduled Area or to more than $100,000 in the aggregate in all such Scheduled Areas: *Provided*, That, if the incorporated affiliated foreign nationals of a direct investor in Schedule C countries have total losses during any year, or if the direct investor makes a negative net transfer of capital to affiliated foreign nationals in Schedule C countries during any year, such total losses or negative net transfer of capital shall not be taken into account in calculating positive direct investment in Schedule C countries during such year for purposes of this section: *And further provided*, That, if positive direct investment during any year in any Scheduled Area amounts to more than $100,000 or if positive direct investment during any year in all Scheduled Areas amounts in the aggregate to more than $100,000, no part of such positive direct investment shall be authorized by this section.

7. The following paragraph (a) supersedes proposed paragraph (a) of § 1000.505 as published in the FEDERAL REGISTER of April 30, 1968:

§ 1000.505 Transfers between affiliated foreign nationals.

(a) For purposes of this part, any transfer of funds or other property made by an affiliated foreign national of a direct investor in any Scheduled Area to another affiliated foreign national of such direct investor in a different Scheduled Area shall be treated as a transfer of such funds or other property by the transferor affiliated foreign national to the direct investor and as a further transfer of such funds or other property by the direct investor to the transferee affiliated foreign national if, as to either the transferor or transferee affiliated foreign national, the direct investor owns or acquires (1) securities possessing in excess of 50 percent of the aggregate voting power (including subsidiaries, sub-subsidiaries and all subsidiaries of lower tiers if the subsidiary in each case is connected to its parent by ownership by the parent of securities of the subsidiary possessing in excess of 50 percent of aggregate voting power); or (2) the right or power to receive, control, or otherwise enjoy more than 50 percent of the earnings, receipts, or income on profits; or (3) the right or power to receive, control or otherwise direct the disposition of more than 50 percent of the assets upon the liquidation, termination, or winding up thereof.

* * * * *

8. The following Subpart K supersedes proposed General Authorization No. 4 published in the FEDERAL REGISTER of March 12, 1968:

Subpart K—Direct Investment in Canada

§ 1000.1101 Definitions.

(a) The term "Canadian affiliate" of a direct investor means an affiliated foreign national of the direct investor in Canada.

(b) The term "Non-Canadian Schedule B affiliate" of a direct investor means an affiliated foreign national of the direct investor in a Schedule B country other than Canada.

§ 1000.1102 Authorized positive direct investment in Canada.

Positive direct investment by a direct investor during any year in Canadian affiliates of the direct investor is authorized, without limitation as to amount.

§ 1000.1103 Net transfers of capital to Schedule B countries.

(a) For purposes of determining the net transfer of capital by a direct investor to all incorporated affiliated foreign nationals of the direct investor in Schedule B countries during any period (including the years 1965 and 1966) under § 1000.313(a), there shall be included only (1) the aggregate of all transfers of capital made during such period by the direct investor to incorporated Non-Canadian Schedule B affiliates of the direct investor less (2) the aggregate of all transfers of capital made during such period by such incorporated

Non-Canadian Schedule B affiliates to the direct investor.

(b) For purposes of determining the net transfer of capital by a direct investor to all unincorporated affiliated foreign nationals of the direct investor in Schedule B countries during any period (including the years 1965 and 1966) under § 1000.313(b), there shall be included only the aggregate net increase or net decrease, during such period, in the aggregate net assets of unincorporated Non-Canadian Schedule B affiliates of the direct investor.

(c) Transfers of funds or other property between Canadian affiliates of a direct investor and Non-Canadian Schedule B affiliates of the direct investor shall be subject to the provisions of § 1000.505 to the same extent as if such affiliates were in different Scheduled Areas, except that the exemption provided by paragraph (b) of § 1000.505 shall be inapplicable to such transfers.

(d) Nothing contained in this subpart shall affect the applicability of § 1000.505 to transfers of funds or other property between Canadian affiliates of a direct investor and other affiliated foreign nationals of the direct investor in Schedule A or Schedule C countries, except that the exemption provided by paragraph (b) of § 1000.505 shall be inapplicable to such transfers.

§ 1000.1104 Reinvested earnings—Schedule B countries.

(a) For purposes of determining a direct investor's share in the total reinvested earnings or losses, as the case may be, of all incorporated affiliated foreign nationals of the direct investor in Schedule B countries during any period (including the years 1965 and 1966) under § 1000.306(a)(2), there shall be included only the direct investor's share in the total reinvested earnings or losses, as the case may be, of all incorporated Non-Canadian Schedule B affiliates of the direct investor during such period.

(b) In determining the direct investor's share in the total reinvested earnings or losses of all incorporated Non-Canadian Schedule B affiliates during any period pursuant to § 1000.306(b), all incorporated and unincorporated Canadian affiliates of the direct investor shall be deemed to be in a Scheduled Area other than Schedule B.

§ 1000.1105 Foreign balances.

(a) For purposes of § 1000.203, the term "foreign balances" shall not include (1) money on deposit in a Canadian bank (including fixed interest deposits of a Canadian bank); (2) negotiable instruments or commercial paper of individual residents of Canada or of corporations or other entities organized or existing under the laws of Canada or any political subdivision thereof; or (3) securities issued or guaranteed by the Government of Canada or any political subdivision thereof or by any agency or instrumentality of the Government of Canada or any such political subdivision.

(b) As used herein, the term "Canadian bank" means any branch or office within Canada of any of the following: Any bank or trust company incorporated under the laws of Canada or any province thereof, or any private bank or banks subject to supervision and examination under the banking laws of Canada or any province thereof. The Secretary may also designate any banking institution as a "Canadian bank" for the purposes of any or all sections of this subpart.

§ 1000.1106 Long-term foreign borrowing.

For all purposes of the regulations, a borrowing by a direct investor from an individual who is a resident of Canada or from a corporation or other entity organized or existing under the laws of Canada or any political subdivision thereof, shall not be deemed a "long-term foreign borrowing": *Provided*, That a borrowing involving the public offering, prior to April 1, 1968, of instruments of indebtedness of a direct investor shall be considered a long-term foreign borrowing in its entirety if such instruments were not sold primarily to residents of Canada or to corporations or other entities organized or existing under the laws of Canada or any political subdivision thereof.

§ 1000.1107 Canadian program.

If a program for governing transfers of capital to foreign countries or the nationals thereof by Canadian affiliates and other Canadian business ventures shall hereafter be instituted by the Canadian Government or by any department or agency thereof (which program is consistent with the purposes of the regulations) the regulations will be amended appropriately with respect to transfers of capital to or from Canadian affiliates of a direct investor certified as subject to, or participating in, such program by the Canadian Government or such department or agency.

§ 1000.1108 Effective date.

This subpart shall be effective as of the effective date of the regulations.

CHARLES E. FIERO,
Director, Office of Foreign Direct Investments.

MAY 20, 1968.

[F.R. Doc. 68-6134; Filed, May 21, 1968; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-CE-40]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Devils Lake, N. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

The present public use VOR instrument approach procedure for the Devils Lake, N. Dak., Municipal Airport has been modified by adding a DME arc and a new public use VOR instrument approach procedure has been developed for this airport. In addition, one of the two special ADF instrument approach procedures for Devils Lake, which use the privately owned radio beacon as a navigational aid, is being cancelled. Therefore, it is necessary to alter the Devils Lake control zone and transition area to provide controlled airspace for the protection of aircraft executing the new and altered approach procedures and to delete that airspace no longer needed with respect to the cancelled approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

DEVILS LAKE, N. DAK.

Within a 5-mile radius of Devils Lake Municipal Airport (latitude 48°06'50" N., longitude 98°54'30" W.); within 2 miles each side of the Devils Lake VOR 134° radial, extending from the 5-mile radius zone to 10½ miles southeast of the VOR; within 2 miles each side of the Devils Lake VOR 324° radial, extending from the 5-mile radius zone to 10½ miles northwest of the VOR; and within 2 miles each side of the 026° bearing from Devils Lake Municipal Airport, extending from the 5-mile radius zone to 8 miles northeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

DEVILS LAKE, N. DAK.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Devils Lake VOR; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of the Devils Lake VOR, extending from a line 5 miles north of and parallel to the Devils Lake VOR 097° radial clockwise to a line 5 miles northeast of and parallel to the Devils Lake VOR 324° radial.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on May 2, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-6058; Filed, May 21, 1968; 8:46 a.m.]

[14 CFR Parts 151, 171]

[Docket No. 8878; Notice 68-12]

TRUE LIGHT CERTIFICATES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 151 and 171 of the Federal Aviation Regulations to generally discontinue the issuance of Certificates of "Lawful Authority to Operate a True Light" (True Light Certificates), under § 171.61; to revoke most of those Certificates; to terminate most pending applications for those Certificates; to delete the requirement that certain Federal-Aid Airport Program sponsors apply for those Certificates, under § 151.87; and to provide a means to ensure the acceptable operation of airport lighting in new § 151.86.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 21, 1968, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Background. Section 171.61(a) provides: "An applicant who certifies that he will, in accordance with applicable requirements of the FAA, establish, maintain, and operate a light as an aid to air navigation, is issued an air navigation certificate authorizing him to operate that light as a 'true light'." Beginning more than 35 years ago with the Bureau of Lighthouses of the Department of Commerce, the FAA and its predecessor agencies have issued True Light Certificates. These Certificates were issued first under the Air Commerce Act of 1926, then under the Civil Aeronautics Act of 1938, and they are now issued under section 606 of the Federal Aviation Act of 1958 (49 U.S.C. 1426). Until Congress passed the Federal Aviation Act of 1958, a person "who without lawful authority knowingly exhibits any such true light or signal" was guilty of a criminal offense. However, the Congress repealed this provision in 1958, although it continued the FAA's authority to issue air navigation facility certificates (the "lawful authority"). Also, the Congress continued the other criminal provisions relating to "true lights" in section 902(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(c)). At present, the FAA is authorized to issue True Light Certificates, but the statute no longer prohibits the operation of a true light "without lawful authority".

Part 171. Applications for True Light Certificates are now voluntary, except for those Federal-Aid Airport Program sponsors that must apply under § 151.87(b) (discussed below). The FAA proposes to discontinue issuing True Light Certificates by deleting present § 171.61. The criminal sanctions of section 902(c) of the Federal Aviation Act of 1958 adequately provide for the possibility that a person may knowingly operate a true light in a wrongful manner, display a false or misleading light, or interfere with the operation of a true light. To provide the public with guidance as to the installation and operation of aeronautical beacons that serve as "true lights", the FAA is publishing an Advisory Circular on that subject. This Advisory Circular would supersede Technical Standard Order N19, "Criteria for Certification and Lawful Authority to Operate a True Light" (June 14, 1951). The FAA also proposes to adopt a new § 171.61 that revokes most existing True Light Certificates and cancels most pending application for those Certificates. As discussed below, proposed § 171.61(b) preserves the applications and certificates of certain Federal-Aid Airport Program sponsors who were required to apply under regulations then in effect.

Part 151. In part, § 151.87(b) provides: "The FAA does not issue a grant offer until the sponsor [of a project that involves airport lighting] has applied for a true light certificate indicating a lighted airport. Program participation in airport lighting is limited to those projects that, upon completion, will meet the requirements for a true light certificate * * *." Since the FAA would no longer accept applications for True Light Certificates, it is proposed to delete the quoted provision from § 151.87, and to adopt new § 151.86 to provide a method of ensuring the acceptable operation of airport lighting. Present § 151.87 (a) and (b) would be deleted.

The requirement now in § 151.87(b) has been intended to ensure that, when airport lighting is included in a Federal-Aid Airport project, the lighting will be operated in a manner that provides for safety in air commerce, and justifies the investment of Federal funds. In the past, the FAA was satisfied when airport lighting was operated throughout each night of the year, although operation on less than an all-night basis was acceptable under some circumstances. The FAA proposes to adopt § 151.86(b)(3) that would expressly require the sponsor of a project that involves airport lighting to agree to operate the lighting installed either throughout each night of the year, or according to a satisfactory plan of operation, submitted under proposed § 151.86(c). The sponsor's plan would specify when the airport lighting will be operated, and the sponsor would be required to satisfy the Administrator that its plan provides for safety in air commerce, and justifies the investment of Federal-Aid Airport Program funds. Under proposed § 151.86(d), these new provisions would also apply to each sponsor of a project involving airport lighting that has not entered into a grant agreement on the effective date of the amendment. This would include those sponsors that had applied for a True Light Certificate under present § 151.87(b), but had not accepted a grant offer, on that date.

If a sponsor has applied for a True Light Certificate under present § 151.87(b) (or other regulation then in effect) and has entered into a grant agreement, its application is preserved under proposed § 171.61(b) and it will be issued a True Light Certificate. Also, if a sponsor applied and was issued a True Light Certificate, the Certificate is also preserved under proposed § 171.61(b). Under proposed §§ 151.86(e) and 171.61(b), a sponsor may choose to terminate its application or surrender its certificate, and to instead comply with proposed § 151.86(b)(3). While these sponsors would not be required to do this, it does authorize them to do so, and also provides an orderly means for surrendering True Light Certificates that are not revoked, and for terminating applications that are preserved under § 171.61(b).

Other changes. Minor editorial changes are also proposed. Proposed § 151.86(a) would reflect the fact that the Administrator may find that airport lighting is needed under § 151.13, as well as under the first sentence of present § 151.87(a). Proposed § 151.86(b)(1) (based on the last sentences of present § 151.87 (a) and (b)) would refer to § 151.91(a), instead of obsolete Technical Standard Order N18. Proposed § 151.87(c) would refer to § 151.80, as well as to §§ 151.77 and 151.79. The parenthetical clause in proposed § 151.87(d) would refer to § 151.43(c), instead of the Federal Airport Act. Proposed § 151.87(h) would refer to an "airport beacon", instead of a "beacon". Proposed § 151.87(k) would refer to new § 151.86, as well as to "this section", and Appendix F would refer to both §§ 151.86 and 151.87.

In consideration of the foregoing, it is proposed to amend Parts 151 and 171 of the Federal Aviation Regulations as follows:

1. By adding the following new § 151.86:

§ 151.86 Lighting and electrical work: general.

(a) The installing of lighting facilities and related electrical work, as provided in § 151.87, is eligible for inclusion in a project only if the Administrator determines, for the particular airport involved, that they are needed to ensure—

(1) Its safe and efficient use by aircraft under § 151.13; or

(2) Its continued operation and adequate maintenance, and it has a large enough volume (actual or potential) of night operations.

(b) Before the Administrator makes a grant offer to the sponsor of a project that includes installing lighting facilities and related electrical work under paragraph (a) of this section, the sponsor must—

(1) Provide in the project for removing, relocating, or adequately marking and lighting, each obstruction in the approach and turning zones, as provided in § 151.91(a);

(2) Acknowledge its awareness of the cost of operating and maintaining airport lighting; and

(3) Agree to operate the airport lighting installed—

(i) Throughout each night of the year; or

(ii) According to a satisfactory plan of operation, submitted under paragraph (c) of this section.

(c) The sponsor of a project that includes installing airport lighting and related electrical work, under paragraph (a) of this section, may—

(1) Submit to the Administrator a proposed plan of operation of the airport lighting installed for periods less than throughout each night of the year;

(2) Specify, in the proposed plan, the times when the airport lighting installed will be operated; and

(3) Satisfy the Administrator that the proposed plan provides for safety in air commerce, and justifies the investment of Program funds.

(d) Paragraph (b)(3) of this section also applies to each sponsor of a project that includes installing airport lighting and related electrical work if that sponsor has not entered into a grant agreement for the project before [the effective date of the amendment].

(e) If it agrees to comply with paragraph (b)(3) of this section, the sponsor of a project that includes installing airport lighting facilities and related electrical work that has entered into a grant agreement for that project before [the effective date of the amendment] may—

(1) Surrender its air navigation certificate authorizing operation of a "true light" issued before that date; or

(2) Terminate its application for authority to operate a "true light" made before that date.

2. The section heading, paragraphs (a), (b), and (c), the second sentence of paragraph (d), and paragraphs (h) and (k), of § 151.87 are amended to read as follows:

§ 151.87 Lighting and electrical work: standards.

(a) [Reserved]

(b) [Reserved]

(c) The number of runways that are eligible for lighting is the same as the number eligible for paying under § 151.77, § 151.79, or § 151.80.

(d) * * * A runway that is eligible for lighting, but does not meet the requirements for 75 percent U.S. participation under § 151.43(d), is eligible for 50 percent U.S. participation in the costs of high intensity runway edge lighting (or the allowable percentage in § 151.43(c) for public land States), if the airport is served by a navigational aid that will allow using instrument approach procedures.

* * * * *

(h) Any airport that is eligible to participate in the costs of runway lighting is eligible for the installing of an airport beacon, lighted wind indicator, obstruction lights, lighting control equipment, and other components of basic airport lighting, including separate transformer vaults and connection to the nearest available power source.

* * * * *

(k) Appendix F sets forth typical eligible and ineligible items of airport lighting covered by § 151.86 and this section.

3. By striking out the reference "§ 151.87" in Appendix F of Part 151, and by inserting the references "§§ 151.86 and 151.87" in place thereof.

4. By amending § 171.61 to read as follows:

§ 171.61 Air navigation certificate: revocation and termination.

(a) Except as provided in paragraph (b) of this section, each air navigation certificate of "Lawful Authority to Operate a True Light" is hereby revoked, and each application therefor is hereby terminated.

(b) Paragraph (a) of this section does not apply to—

(1) A certificate issued to a Federal-Aid Airport Program sponsor who was required to apply for that certificate under regulations then in effect, and who has not surrendered that certificate under § 151.86(e) of this chapter; or

(2) An application made by a Federal-Aid Airport Program sponsor who was required to make that application under regulations then in effect, and who has not terminated that application under § 151.86(e) of this chapter.

This proposal is made under the Federal Airport Act, as amended (49 U.S.C. 1101–1120), and sections 307, 313(a), 601, and 606 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1426).

Issued in Washington, D.C., on May 15, 1968.

CHESTER G. BOWERS,
Director, Airports Service.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 68-6059; Filed, May 21, 1968; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18110; FCC 68-554]

MULTIPLE OWNERSHIP OF STANDARD, FM, AND TV BROADCAST STATIONS

Memorandum Opinion and Order Clarifying Interim Policy

In the matter of amendment of §§ 73.35, 73.240, and 73.636 of the Commission rules relating to multiple ownership of standard, FM and television broadcast stations, Docket No. 18110.

1. The Commission has before it three petitions for reconsideration of its interim policy in this proceeding, and various questions that have arisen concerning that policy.

Background. 2. Under the provisions of the Commission's multiple ownership rules (§§ 73.35, 73.240, and 73.636), a party is prohibited from owning, operating, or controlling more than one station in the same broadcast service in the same area. However, the rules do not now prevent a party from owning, operating, or controlling more than one station in the same area if each station is in a different service. It is therefore not unusual for a single licensee to have a television, a standard, and an FM broadcast station in one city.

3. For the purpose of promoting diversity of viewpoints expressed over the air in the same area, the Commission on March 27, 1968, adopted a notice of proposed rule making (FCC 68-332, 33 F.R. 5315, Apr. 3, 1968) inviting comments on a proposal to amend its multiple ownership rules so as to prevent common ownership, operation, or control of more than one unlimited-time broadcast station in a market.

4. The proposal would not require divestiture, by any licensee, of existing facilities. It would not apply to applications for assignment of license or transfer of control in accordance with § 1.540 (b) or § 1.541(b) of the rules (i.e., applications dealing with either pro forma or involuntary assignments or transfers), or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy. It would apply to all applications for new stations and to all other applications for assignment of license or transfer of control.

5. The notice announced as an interim policy that applications "now on file" would be processed in accordance with existing rules and precedents, and that those filed during the pendency of the proceeding which would be within the scope of the proposed rules would not be acted on until after the Commission had determined the action to be taken on the proposed rules. Since the release of the notice, numerous questions have arisen concerning this interim policy. In addition, three petitions for reconsidera-

tion of the policy, requesting that it be abandoned or modified, have been timely filed.[1] We shall first deal with the petitions for reconsideration (which we deny), and then answer the questions about the interim policy.

Petitions for reconsideration—Arguments of KCIL et al. 6. This petition for reconsideration states that the comments filed in this proceeding will show that in many instances the proposed rules would be contrary to the public interest because they would retard the development of a new service, or would result in the loss of an existing service. As to retarding the development of a new service, petitioners state that the record will indicate the following: In small markets, broadcast operations are least promising from an economic standpoint. Often, the only party capable of operating an additional facility in such a market is the operator of an existing facility. The economies inherent in using a single studio building and transmitter site, and the same administrative, operational, and sales staff are the most important single factor in encouraging new broadcast services in small markets. Growth of service in such markets is impossible without these economies and it is therefore contrary to the public interest not to permit a present licensee to apply for a construction permit for a new broadcast station in the market.

7. Concerning the loss of existing service, petitioners say that the comments will be as follows: The rules would prohibit an owner of more than one unlimited-time station in the same market from selling them to the same party. Since generally a party cannot be expected to operate an FM facility without the advantage of joint operation with an AM station (especially in small markets), an owner of an unlimited-time AM station and an FM station in the same market would have to sell his AM station and probably surrender his FM license, contrary to the public interest.

8. Petitioners argue that the interim policy will foster the foregoing results even before the Commission has had the benefit of comments, since that policy is a premature application of the proposed rules. They therefore urge that the policy be either abandoned, or modified so as to treat each application filed during the pendency of this proceeding on a case-by-case basis. The latter, it is averred, would permit the Commission to protect the integrity of its diversification policies and yet permit it to guard against retarding the development of new service or bringing about loss of service that would be contrary to the public interest.

9. Finally, petitioners also say that the interim policy works a hardship on parties like themselves who have expended considerable time, effort, and money in preparation of applications for new stations, or assignment and transfer applications, but who did not file them before the interim policy went into effect. That policy, they state, is grossly unfair because it does not provide for the processing of such applications or even for their consideration on an ad hoc basis.

Arguments of Screen Gems et al. 10. Petitioners state that the Administrative Procedure Act (5 U.S.C. section 553) requires that in rule making matters a notice of proposed rule making be issued so that interested parties may be made aware of proposed rules and file comments thereon, and that the agency promulgating the rules must consider all relevant matters presented. They argue that the adoption of the interim policy was illegal because it immediately, and prematurely, placed into effect the proposed rules before interested parties were given an opportunity to comment on them.

11. The interim policy in this proceeding is compared by petitioners with that in Docket No. 16068—the top-fifty-market multiple ownership proceeding. There the policy provided that applications that fell within the scope of the proposed rule and that did not make a compelling affirmative showing that a grant would be in the public interest would be designated for hearing. They state that the court, in sustaining that policy,[2] considered it to be procedural and held that the Commission had not attempted to apply the proposed rule during the interim period because the policy merely provided that a hearing on an application might be necessary. In the instant proceeding, petitioners argue, the Commission has prematurely adopted the proposed rules because it has not provided for the interim processing of applications but has imposed an absolute freeze. Therefore, they conclude, adoption of the policy herein is contrary to the rationale of the court in Meredith.

12. Additionally, petitioners aver, in Docket No. 16068 a period of slightly over 3 years elapsed from the time the policy was adopted to the date the proceeding was terminated. It is argued that in the instant proceeding the interim policy will also be in effect for a lengthy period and that during that time the granting of applications which might be in the public interest will be frozen.

13. It is also urged that the interim policy is inequitable, for reasons similar to those stated in paragraph 9, above, and that the action of the Commission came without warning.

14. Petitioners urge that the interim policy be deleted. They state that if the Commission finds the proposed rules to be in the public interest after study of the comments, it can make them effective at that time. The delay in making them effective, we are told, would not have an adverse effect on the Commission's ability to achieve the diversification goals at which the proposed rules aim because it is not likely that a rash of applications would be filed to avoid possible adoption of the rules. Moreover, we are reminded, the Commission could designate questionable applications for hearing.

Arguments of Southern. 15. Southern does not suggest deletion of the interim policy. It proposes modification of it to permit the processing, in accordance with existing rules and precedents, of applications filed during the pendency of this rule making which would result in the granting to the same party of licenses for both a standard and an FM broadcast station provided both such stations are licensed to a city of less than 100,000 population according to the 1960 census.

16. In support of this proposal it refers to § 73.242, the Commission's rule concerning nonduplication of programing by AM and FM stations of the same licensee in the same area. Southern states that this rule became effective about 2½ years ago and that in adopting it the Commission indicated that its purpose was to begin a gradual process by which AM–FM program duplication in the same community would be ended. It is argued that by excluding FM stations in cities of less than 100,000 population from the gradual implementation of its policy concerning separate programing, the Commission recognized that such stations do not have the economic ability to support even a limited degree of independent operation. The Commission, it is stated, has set forth no reason that would justify even partially separate programing for such stations, not to mention separate ownership.

17. Southern urges that it is likely that the only result of applying the interim policy to AM–FM ownership in cities of 100,000 or less would be to restrict parties who, because of business or other reasons, will be in a position either to acquire or to have to transfer licenses only during pendency of this proceeding.

Decision. 18. As stated in the notice, the present proceeding was begun as part of the Commission's continuing study of problems dealing with concentration and diversification of the broadcast media and of allied interests in other public opinion media. We are of the opinion that the objective of promoting diversity of viewpoints and program sources with regard to individual markets is of an importance that warrants the interim policy which we have adopted. If the proposed rules are adopted, the interim

[1] One was jointly filed Apr. 11, 1968, by KCIL, Inc., licensee of Stations KJIN and KCIL–FM, Houma, La.; Dixie Radio, Inc., licensee of Stations WDLP and WDLP–FM, Panama City, Fla.; John W. Spottswood, licensee of Station WKWF, Key West, Fla.; and Woofum, Inc., licensee of Station WFOM, Marietta, Ga. (KCIL et al.). A second was jointly filed Apr. 29, 1968, by Screen Gems Broadcasting of Utah, Inc., licensee of Stations KCPX, KCPX–FM, KCPX–TV, Salt Lake City, Utah; Cleveland Broadcasting, Inc., licensee of Stations WERE, WERE–FM, Cleveland, Ohio, WLEC, WLEC–FM, Sandusky, Ohio, and KFAC–FM, Los Angeles, Calif.; KWTX Broadcasting Co., licensee of Stations KWTX, and KWTX–TV, Waco, Tex.; Ring Radio Co., licensee of Station WRNG, North Atlanta, Ga.; Beef Empire Broadcasting Co., licensee of Station KCOL, Fort Collins, Colo.; and WJAG, Inc., licensee of Station WJAG, Norfolk, Nebr. (Screen Gems et al.). The third, also filed Apr. 29, 1968, was submitted by Southern Broadcasting Corp., licensee of Stations KTOD and KTOD–FM, Sinton, Tex. (Southern).

[2] Meredith Broadcasting Company v. F.C.C., 365 F. 2d 912 (C.A.D.C., 1966).

policy will have served to avoid proliferation of commonly owned stations in the same market during the pendency of the proceeding. If they are not adopted, the delay in handling of applications will not be substantial since it is our intention to terminate this proceeding with dispatch. Similarly, if the rules are adopted with some modification, e.g., by applying them to larger but not to smaller markets as petitioners would appear to suggest, the delay will be minimal for the small markets, and proliferation of commonly owned stations in larger markets will have been avoided.

19. We cannot agree that the interim policy constitutes a premature adoption of the rules which is illegal. The purpose of the policy is to assure that the objectives of the proposed rule making proceeding will not be frustrated, and it is well established that such a policy may be instituted with no advance notice. Kessler v. F.C.C. 326 F. 2d 673, 1 Pike & Fischer, R.R. 2d 2061 (C.A.D.C., 1963). As for the argument that the adoption of the present interim policy is contrary to the rationale of the Meredith case, we note that the Court in that case stated:

> * * * the Commission is entitled, in its expertise, to formulate policy in aid of the congressional purpose. Indeed, we have recognized this in upholding the Commission in its issuance of "freeze" orders at various times in the past, a procedure much more drastic than the present interim policy. [Citation of cases omitted.][3]

20. As to the allegation that the interim policy is unfair to parties who were preparing applications at the time that the notice was issued, we observe that if the rules are not adopted, there is no substantial harm to such parties since the proceeding will be terminated at an early date. Should they be adopted, we can only say that in a situation of this kind, where private equities are balanced against public interest considerations, the latter must prevail. We are of the opinion that the requirement of procedural fairness has been satisfied by our decision to complete processing of applications tendered for filing up to and including the date of publication of the notice in the FEDERAL REGISTER (see paragraph 23 below).

21. Finally, since the termination of this proceeding is expected at an early date, we think that to modify the interim policy to deal with new applications on an ad hoc basis (as suggested by KCIL, et al.) would serve no useful purpose, and would to some degree slow up the application processing function of the Commission.

Clarification of Interim Policy. 22. As stated at the outset, numerous questions have arisen concerning the interim policy. They are set forth and answered in the following paragraphs for the benefit of interested parties.

23. *What is the date on which the interim policy began?* The interim policy was announced in paragraph 8 of the notice of proposed rule making herein which was adopted March 27, 1968, released March 28, 1968, and published in the FEDERAL REGISTER April 3, 1968. We have decided that the purposes of this proceeding would be adequately served by using the date of publication in the FEDERAL REGISTER as the cutoff date. Thus, all applications which would fall within the scope of the proposed rules, which were tendered for filing up to and including April 3, 1968, and which were thereafter accepted for filing, will be processed in accordance with existing rules and precedents and will not be subject to the interim policy. In deciding whether such applications are acceptable for filing, inconsistency with the proposed rules will have no bearing on their acceptability. Applications lying within the scope of the proposed rules which are tendered after April 3 will be accepted for filing, if they otherwise comply with the Commission's rules or other requirements, but action thereon will be deferred in accordance with the interim policy.

24. *For purposes of the interim policy, what is the meaning of the term "market"?* We do not mean to prejudge the meaning of the term "market" in any rules which may be adopted in this proceeding. It is our hope that comments filed herein will provide a sound basis for definition of the term. However, for purposes of the interim policy, we note that the proposed rules are, in essence, an extension of the present duopoly rules. Those rules (see paragraph 2) prohibit a party from owning, operating, or controlling more than one station in the same broadcast service in the same area. The proposals herein would prevent a party from owning, operating, or controlling more than one unlimited-time broadcast station in the same area, regardless of the type of broadcast service involved.

25. The present duopoly rules are cast in terms that prohibit one party from having two or more stations in the same broadcast service if specified contours overlap—for AM stations, the predicted or measured 1 mv/m groundwave contours; for FM, the predicted 1 mv/m contours; and for TV, the predicted Grade B contours. For the interim policy, if granting an application would result in one party's owning, operating, or controlling two or more full-time broadcast stations with overlap of contours mentioned in the present duopoly rules, the applications will be considered to be in the same market and will not be acted on until the termination of this proceeding. In other words, if the predicted 1 mv/m contour of an FM station and the predicted Grade B contour of a TV station overlap, the stations will be viewed as being in the same market. Similarly, if the 1 mv/m contour of an AM station and the 1 mv/m contour of an FM station overlap, the stations will be considered to be in the same market for purposes of the interim policy.

26. *Do the proposed new rules apply to noncommercial educational stations?* No. It is intended that the proposal apply only to commercial stations. Hence, noncommercial educational stations do not fall within the purview of the proposed rules.

27. *Is the application of an FM licensee applying for a daytime AM station in the same market subject to the interim policy?* No. Although the language of the proposed rules is such that it appears that a daytime AM licensee could acquire an FM station in the same market but that an FM licensee could not acquire a daytime AM station in the same market, such was not the intent of the proposal. It was intended that parties should not own, operate, or control more than one full-time station in a market; but one full-time and one part-time station would be permitted.

28. *If a party owns no broadcast stations in a market, would an application to assign to that party the licenses of an FM station and daytime AM station in the same market be subject to the interim policy?* Consistent with the views expressed in paragraph 27, such an application would not be subject to the interim policy.

29. *If a party is the licensee of an FM station and an daytime AM station in the same market and applies to become a full-time AM station in the same market, is the application subject to the interim policy?* Yes, because as previously mention, it is the intention of the proposed rules to prohibit ownership of two full-time stations in the same market.

30. *If a party owns no broadcast stations in a market, would an application to assign to that party two or three full-time broadcast station licenses in that market (e.g., the licenses of an AM, an FM and a TV station) be subject to the interim policy?* Yes. It has been suggested that a strict reading of the proposed rules would not permit a party owning a full-time station to acquire another full-time station in the market, but that if the party owns no station there, he may acquire up to three in that market. This is not the intent of the proposal. As indicated in paragraphs 27–29 above, the intent is that one party should not own more than one unlimited-time station in a market. If the proposed rules are adopted, the language on this point will be clarified.

31. *If an unlimited-time AM and an FM station in the same market are licensed to the same party, and both stations are off the air with Commission authorization, would an application to assign the licenses of the two stations to a single party be subject to the interim policy?* Yes. The question appears to assume that the assignee would put the stations on the air and that, therefore, the assignment should not be subject to the interim policy since it would be in the public interest to change the two stations from silent to active stations. However, this is akin to the argument concerning assignment of licenses (paragraph 7, supra) raised by the petition for reconsideration of KCIL, et al. which was denied for reasons stated above.

32. *If a party is the licensee of two or three full-time stations in the same market, e.g., licensee of an AM, an FM and a TV station, would an application*

[3] Meredith Broadcasting Company v. F.C.C., supra note 2, at 915.

to increase the facilities of one or more of the stations be subject to the interim policy? No. The proposed rules, if adopted, would not require divestiture of existing facilities. Thus, multiple licensees of full-time facilities in the same market would be "grandfathered in." Since such multiple ownership would be permitted, it would be permissible for a multiple owner to apply for increased facilities of a station, assuming no countervailing considerations are present. (Compare paragraph 29.)

33. *If applications are mutually exclusive and some or all of them fall under the provisions of the interim policy, what procedure will be followed in dealing with these applications?* Specific questions that have arisen are the following: (1) If two applications for unlimited-time AM stations filed before a "cutoff date", published pursuant to § 1.571(c) of the rules, are mutually exclusive, with one being that of a party who is the licensee of a TV station in the market, and the other that of a party who has no other station in the market, how would the applications be handled? (2) If three applications for a TV station are mutually exclusive, with each of two of the applicants having an unlimited-time station in the market, and the third having no broadcast interests there, what would be done? (3) If two applicants each having at least one full-time broadcast station in the market apply for another full-time broadcast station in that market, what will be the procedure?

34. One alternative would be to place all mutually exclusive applications that would normally be designated for hearing, one or more of which are within the scope of the proposed rules, in a pending file without further action until the Commission decides what action to take in the present proceeding. Another would be to designate such applications for hearing, and pursue the hearing, designate as a hearing issue whether any particular application falls within the scope of the proposed rules, and make findings and conclusions on this issue, but not take that issue into account in determining whether the public interest would be served by grant of any of the various applications. Should the hearing terminate before the end of the instant proceeding, and should a party found not to be subject to the proposed rules prevail, a grant could be made. If a party found to fall within the scope of the proposed rules should prevail, then his and related applications would be placed in a pending file until the termination of this proceeding and appropriate action taken thereafter.

35. Various factors enter into a decision as to what course to follow in such cases pending the outcome of this proceeding. For example, if we do not designate such applications for hearing, and if the proposed rules should not be adopted, then time would be lost and ultimate service to a community delayed. Should we follow the course of designating for hearing, and should the proposed rules be adopted, there may be needless expense for some parties. Not to designate such FM and TV applications for hearing could mean, too, that, ultimately, there may be additional applications filed and hence more applicants considered in a hearing than if a designation order had been issued and the applications not held in a pending file.

36. We are of the opinion that since we intend to bring the present proceeding to an end in a relatively short time, it is the better course, in the circumstances, not to designate such mutually conflicting applications for hearing, but to hold them in a pending file without further action until decisions are reached herein. This will be our policy.

37. *If, after April 3, 1968, the licensee of a full-time AM station petitions the Commission to begin a rule making proceeding to assign an FM channel or a TV channel to his community of license and indicates that he will apply for use of the channel if it is assigned, will action be taken on the petition pending the outcome of the instant proceeding? What if the petition was filed on or before April 3, 1968, and has not yet been acted on by the Commission?* In response to the first question, it is assumed that a party filing a rule making petition for channel assignment after April 3 has knowledge of the instant proceeding. Because of this, if such a petition otherwise merits it, a rule making proceeding will be instituted and carried forward as a result of the filing, and the pendency of the present proceeding will not be a factor in arriving at a decision as to whether to assign the requested channel (except as mentioned in (c) below). Any party petitioning for a channel assignment is on notice with regard to the following: (a) If a channel is assigned as requested and an application for use of the channel is filed by the petitioner before the termination of the present proceeding, the application will be subject to the interim policy herein. (b) If a channel is assigned as requested but petitioner has not filed an application for use of the channel prior to the termination of this proceeding, the outcome of the present proceeding will govern the filing of any application thereafter. (c) If before the completion of the rule making proceeding concerning proposed assignment of a channel the present proceeding terminates with the adoption of rules prohibiting the petitioner from having a second station in the market, and if no party other than petitioner, either in the course of the proceeding or within 30 days after the date of the order terminating the present proceeding, has shown a bona fide interest in using the requested channel, the rule making proceeding for assignment of the channel will be terminated and no channel will be assigned.

38. As to the second question, if a petition for rule making to assign a channel was filed on or before April 3 and a notice of proposed rule making has not yet been issued, if petitioner does not move to dismiss his petition, and if it otherwise is meritorious, a rule making proceeding will be commenced, and the policies expressed in the preceding paragraph will govern the proceeding. If a petition for rule making to assign a channel resulted in the adoption of a notice of proposed rule making on or before April 3, the proceeding will be carried forward subject to the policies of the preceding paragraph.

39. As indicated in (a) and (b) of paragraph 37, it is possible that a licensee of a full-time AM station may petition for rule making to assign an FM or a TV channel to his community of license, indicating an intent to apply for use of the channel if it is assigned, and that the channel may be assigned before the termination of the instant proceeding. In the event that this proceeding subsequently results in the adoption of rules prohibiting the petitioner from having two stations in a market, the assigned channel may be deleted if there is no other applicant for use of the channel.[4]

Order. 40. In view of the foregoing: *It is ordered,* That the "Petition for Reconsideration of Interim Policy" filed April 11, 1968, by KCIL, Inc., Dixie Radio, Inc., John W. Spottswood, and Woofum, Inc.; the "Petition for Reconsideration of Interim Policy" filed April 29, 1968, by Screen Gems Broadcasting of Utah, Inc., Cleveland Broadcasting, Inc., KWTX Broadcasting Company, Ring Radio Co., Beef Empire Broadcasting Co., and WJAG, Inc.; and the "Petition of Southern Broadcasting Corp. for Reconsideration" filed April 29, 1968, by Southern Broadcasting Corp. are denied.

Adopted: May 15, 1968.

Released: May 17, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-6091; Filed, May 21, 1968; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18189; FCC 68-535]

FM BROADCAST STATIONS

Table of Assignments; Donaldsonville, Ga., Etc.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Donaldsonville, Ga., Chester, S.C., Mobridge, S. Dak., Moline, Canton, Genesco, and Aledo, Ill., Keokuk, Iowa, Kahoka, Mo., Oakdale, La., Egg Harbor City, Atlantic City, and Pleasantville, N.J., and Webster City and Perry, Iowa); Docket No. 18189, RM-1278, RM-1281, RM-1271, RM-1274, RM-1275, RM-1280.

1. Notice is hereby given of proposed rule making in the above-entitled matter,

[4] This policy, applied here to FM, UHF, or VHF channel assignments, is consistent with the policy concerning UHF channel assignments expressed in the fifth report and memorandum opinion and order in Docket No. 14229 (2 F.C.C. 2d 527). See paragraphs 47-48 thereof, and paragraph 15 of Appendix D thereto.

[5] Commissioners Hyde, chairman; Loevinger and Wadsworth absent.

concerning amendments of the FM Table of Assignments in § 73.202 of the rules. All proposed assignments are alleged and appear to meet the minimum separation requirements of the rules. All proposed assignments which are within 250 miles of the United States–Canadian border require coordination with the Canadian Government, under the terms of the Canadian–United States FM Agreement of 1947 and the Working Arrangement of 1963. Except as otherwise noted, all channels proposed for shift or deletion are unoccupied and not applied for, and all population figures are from the 1960 U.S. Census.

2. *RM–1278, Donaldsonville, Ga. (Merchants' Broadcasting Co.); RM–1281, Chester, S.C. (Chester Broadcasting Co.).* In these two cases interested parties seek the assignment of a first Class A channel in a community without requiring any other changes in the table. The communities have populations of 2,621 and 6,906 and appear to warrant the proposed assignments. Comments are therefore invited on the following additions to the FM Table of Assignments:

City	Channel No.
Donaldsonville, Ga	292A
Chester, S.C	[1] 257A

[1] This assignment will require a site about 1.5 miles south of Chester, S.C., to meet the required minimum spacing with Station WRKB–FM, Kannapolis, N.C., operating on Channel 259, the second adjacent channel.

3. *RM–1271, Mobridge, S. Dak.* In a petition for rule making filed on March 13, 1968, Mobridge Broadcasting Corp., licensee of Station KOLY(AM), Mobridge, S. Dak., requests the substitution of Class C Channel 258 for the unused Class A Channel 221A in Mobridge, as follows:

City	Channel No.	
	Present	Proposed
Mobridge, S. Dak	221A	258

Mobridge, located in north central South Dakota, is a community of 4,391 persons, the largest in Walworth County, population 8,097, in which Selby, the county seat, has a population of 979. KOLY (AM) is a daytime only station (1 kw, Class III), the only station at Mobridge. The petitioner has an application pending (BP–17744) to increase the power of KOLY(AM) to 5 kw, daytime only. Mobridge urges that because of the rural nature of the area and its associated sparse population density, it would not be economically feasible to operate an FM station with the coverage limitations inherent in a Class A channel assignment. It is submitted that a Class C channel should be substituted for the present Class A in order to enable a new FM broadcast station to serve as wide a coverage area as possible.

4. The petitioner shows that the entire northern area of South Dakota is a "white area" for FM service. The nearest other FM assignments to Mobridge are in Pierre, S. Dak., about 80 miles distant, with two Class A channels unapplied for, and in Aberdeen, S. Dak., about 88 miles distant, with two Class C channels unapplied for. It is pointed out that replacement of the Class A assignment by the proposed Class C channel would permit a substantial "white area" to receive its first FM service. The showing is based on an assumed Class C operation of 50 kw at 500 feet, and since Mobridge states that it intends to apply for an FM construction permit if the proposed change is adopted, it is assumed that the facilities applied for would be at least equivalent to that used in this showing.

5. The engineering statement filed with the petition states that, although a number of Class C channels are available for assignment to Mobridge, the Channel 258 selection is the lowest frequency available which it appears would not interfere with existing television reception in the area.

6. Normally, a community the size of Mobridge is assigned a Class A channel, as has been done in this case. However, in view of the isolated location of the community in a sparsely populated area, and the showing by the petitioner of the "white area" it is claimed will be served, we are inviting comments on the proposal to substitute a Class C for the Class A channel presently assigned.

7. *RM–1274, Moline, Canton, Genesco, and Aledo, Ill., and Keokuk, Iowa, and Kahoka, Mo.* On March 18, 1968, Lee Enterprises, Inc., permittee of Class A FM Station WMDR, Channel 285A, Moline, Ill., filed a petition requesting substitution of Class B Channel 245 for 285A at Moline and to make other necessary and proposed changes in the Table as follows:

City	Channel No.	
	Present	Proposed
Moline, Ill	285A	245
Canton, Ill	252A	265A *or* 276A
Genesco or Aledo, Ill		285A
Keokuk, Iowa	245	237A *or* 244A *or* 276A
Kahoka, Mo		253

Moline has a population of 42,705 and its Standard Metropolitan Statistical Area (Davenport-Rock Island-Moline, Iowa-Ill.) has a population of 270,058. There are four FM channels assigned to the area, two Class C at Davenport, one Class B at Rock Island, and one Class A at Moline. Except for the Moline Class A assignment, for which petitioner holds a construction permit, all assigned channels are in operation. There are six AM stations operating in the same area, two unlimited-time and one daytime-only at Davenport, one unlimited at Rock Island, one Class IV at Moline, and one daytime only at East Moline.

8. In order for Channel 245 to be assigned to Moline, the petitioner proposes that it be deleted from Keokuk, Iowa (population 16,316), where it has neither been occupied or applied for. Keokuk has one unlimited time AM station. Although it is claimed by petitioner that no Class C channel can be found as a replacement for Channel 245 at Keokuk, it is shown that there are three Class A channels (237A, 244A, 276A), any one of which would satisfy the technical requirements at Keokuk. The accompanying engineering statement contains a comparison between the 1 mv/m contours of a hypothetical Class C station (assuming 75 kw at 500 feet) and a Class A station (assuming 3 kw at 300 feet) at Keokuk. The comparison reveals that a "white area" (about 300 square miles) would occur to the west of Keokuk. It is shown that the resulting "white area" could be served by assignment of Class C Channel 253 at Kahoka, Mo. Kahoka (population 2,160) is located in Clark County about 17.5 miles west of Keokuk; there are presently no FM assignments in the county (population 8,725).

9. Lee further points out that the assignment of Channel 253 to Kahoka, Mo., would require the deletion of Channel 252A from Canton, Ill., for which a construction permit (BPH–5886) was granted on December 13, 1967, to Fulton County Broadcasting Co., for operation at Canton. It is claimed that discussions with Fulton indicates that the Canton construction has not progressed to the point where any hardship would result from modification of the outstanding construction permit to specify a different channel. Therefore, the petitioner requests the deletion of Channel 252A from Canton, proposing that Fulton's authorization for Channel 252A be modified to specify either Channel 265A or 276A, and it is shown that either would be technically satisfactory at Canton.

10. Finally, the petitioner submits that Channel 285A, which it proposes be deleted from Moline upon modification of its own construction permit to specify Channel 245, could be assigned to either Genesco or Aledo, Ill., which have populations of 5,169 and 3,080, respectively. Neither community has an FM assignment; Genesco has one daytime only AM facility.

11. In support of its proposal, the petitioner urges that changing the WMDR authorization from a Class A to a Class B Channel at Moline will enable it to serve more effectively Moline and its environs, pointing out that Moline, presently limited to a single Class A assignment, is a principal city of the Davenport-Rock Island-Moline urbanized area. Lee cites the criteria for a Class B station found in § 73.206(b)(2) of the rules to justify such an assignment to Moline and submits that Class B or C Channels have been assigned to smaller cities than Moline in a number of instances. Lee also states that the other necessary changes at Keokuk, Iowa, and Canton, Ill., will not adversely affect the public interest, since the number of assignments possible there is not changed. In recognizing that changing the Keokuk assignment from Class C to A will decrease by one the services which might otherwise be available from the comparison of the hypothetical Class C and A stations at Keokuk, it is contended that

the proposed first assignment to Clark County, Mo. (Kahoka), will ameliorate that condition and at the same time provide a first opportunity for a local radio outlet in the county.

12. We consider that an urbanized area the size of Davenport-Rock Island-Moline would ordinarily warrant a total assignment of four Class B and C Channels if it could be accomplished without the expense of creating a "white area" at another location. However, we note that compensating for the hypothetical loss, because of the proposed substitution of a Class A Channel for a Class C at Keokuk, Iowa, a first assignment would become available to Genesco or Aledo, Ill., by virtue of the release of the Class A Channel presently assigned at Moline. Such action would also eliminate a mixture of a Class A Channel with B and C Channels in the same urbanized area. In view of these considerations, we invite comments on the petitioner's proposal as outlined above, including the proposed modification of the outstanding authorization for the recently authorized station at Canton, Ill.

13. *RM–1275, Oakdale, La.* On March 18, 1968, C. Winsett Reddoch, a member of a partnership which is the licensee of KREH(AM), Oakdale, La., filed a petition requesting the first FM assignment to Oakdale, La., as follows:

City	Channel No.	
	Present	Proposed
Oakdale, La.		221A

Oakdale, La., with a population of 6,618 persons, is the largest city within Allen Parish, population 19,867, with the parish seat, Oberlin, having a population of 1,794. Oakdale has one broadcast station, KREH(AM), licensed to Louisiana Broadcasting Service for daytime only operation with 250 watts. Applicant submits that the proposed provision of a first FM outlet for Oakdale would permit the "one and only" nighttime local radio service to a community and area where none now exists. Reddoch claims that the nearest nighttime service to Oakdale is Station KALB–FM, located at a distance of some 35 miles.

14. It is noted that the proposed Channel 221A is immediately adjacent to the educational portion of the FM broadcast band (Channels 201–220). A notice of inquiry, adopted November 9, 1966, Docket No. 14185, FCC 66–1007, invited comments on a table of assignments for the educational FM band. Study is currently being given to the formulation of an educational FM table. Pending finalization of such a table, additional assignments on Channels 221A, 222, and 223 are avoided where possible to avoid preclusion of arriving at an efficient table of assignments for educational Channels 218, 219, and 220. The petitioner's engineering study revealed another Class A channel could be assigned to Oakdale, but with a restricted antenna site. The channel was not further identified. It has been determined, however, that Channel 285A could also be assigned to Oakdale, since it appears to meet all spacing requirements, and, in particular, would avoid potential conflict with the educational table of assignments presently under development.

15. Since the basic proposal being considered here would assign a first Class A FM assignment to a community without any local nighttime service, we are of the view that comments should be invited on the petition as outlined above. In addition, in view of the availability of another channel which would avoid potential conflict with establishment of an educational FM table, we are also inviting comments on the advantage of assigning alternate Channel 285A, as follows:

City	Channel No.	
	Present	Proposed
Oakdale, La.		221A, or 285A

Proponents of Channel 221A should indicate the possible impact on availability of educational Channels 218, 219, and 220 in the general area.

16. *RM–1280, Egg Harbor City, Atlantic City, and Pleasantville, N.J.* On March 25, 1967, Rodio Radio, Inc., licensee of Station WNJH (AM daytime only), Hammonton, N.J., filed a petition for a rule making requesting the assignment of Channel 285A to Egg Harbor City, N.J., by removing the channel from Pleasantville, N.J., and adding Channel 257A to Atlantic City, N.J., as follows:

City	Channel No.	
	Present	Proposed
Atlantic City, N.J.	236, 245, 279	236, 245, 257A, 279
Egg Harbor City, N.J.		285A
Pleasantville, N.J.	285A	

Egg Harbor City, a community of 4,416 persons, is located about 12 miles southeast of Hammonton (population 9,854) and 15 miles northwest of Atlantic City (population 59,544). All of the named communities are located in Atlantic County, which has a total population of 160,880. Pleasantville, having a population of 15,172, is a part of the Atlantic City Urbanized Area with a population of 124,902.

17. The petitioner states that it determined from an engineering study that the only FM channel that could be allocated to the Hammonton area (where it operates WNJH(AM)) under the rules was Channel 285A, which is presently assigned to Pleasantville, N.J.[2] However, on February 7, 1968, the mutually exclusive applications of WMID, Inc. (BPH–5958) and Atlantic City Broadcasting Co. (BPH–6060) for operation of Channel 285A at Pleasantville, N.J., were designated for hearing (Dockets 18005 and 18006), thereby barring acceptance of any further application for the same assignment at Hammonton subsequent to that date.[3] In view of these circumstances Rodio now proposes a plan whereby Channel 285A would be assigned to Egg Harbor City by removing it from Pleasantville and adding Channel 257A to Atlantic City as a replacement. It is submitted that the two pending applications for the Pleasantville channel propose transmitter sites in Atlantic City, and that it would only be necessary for the applicants to amend their applications to specify the proposed new assignment of Channel 267A at Atlantic City, since all other factors would remain the same.

18. In support of its contention of need for a new FM service, Rodio submits that the rural communities making up the Hammonton-Egg Harbor complex have peculiar program and public service needs, and that it would permit an extension of the local daytime only agricultural and farm programing of particular interest to the predominant truck and farm population of rural South Jersey. It is claimed that the proposed changes in channel assignments would conform to the technical requirements of the rules.

19. The petitioner's proposal to add Channel 257A to Atlantic City would result in a fourth FM assignment to that community. Under the criteria used in establishing the FM Table, an attempt was made to assign two to four Class B channels to a city the size of Atlantic City. However, the petitioner's proposal would involve a mixture of Class A and B channels in the same community, a result we have attempted to avoid where possible, particularly when the community is considered to have its fair share of available channels. It is assumed that the principal reason petitioner does not propose assigning Channel 257A at Pleasantville as a substitute for 285A is that it would not meet spacing requirements with respect to the reference point in that community. We note, however, that both of the sites presently specified by the Pleasantville applications, now in hearing, will meet the spacing requirements of the rules for Channel 257A. For these reasons, we are proposing that Channel 257A be assigned to Pleasantville in lieu of Atlantic City. We therefore are inviting comments on the petitioner's proposal insofar as it concerns assigning Channel 285A to Egg Harbor City by shifting it from Pleasantville, and on our own alternate proposal to assign Chan-

[2] Since Hammonton and Pleasantville are about 23 miles apart, application for use of the Pleasantville Channel 285A in the Hammonton area would have been acceptable under the then existing "25-mile" provision of § 73.203(b) of the rules. It should be noted that the "25-mile" provision of this rule has been modified, effective June 4, 1968 (Docket 17969, FCC 68–454).

[3] On Feb. 13, 1968, Rodio Radio, Inc., tendered an application for a construction permit for Channel 285A at Hammonton-Egg Harbor City, N.J. Rodio's simultaneously filed petition for waiver of § 1.591(b)(1) of the rules to permit acceptance of the late-filed applications was denied on Mar. 13, 1968, by Commission order (FCC 68–280).

nel 257A as a replacement at Pleasantville, as follows:

City	Channel No.	
	Present	Proposed
Egg Harbor City, N.J.		285A
Pleasantville, N.J.	285A	257A

If this proposal is adopted, the hearing applicants will be allowed to amend their applications accordingly to specify Channel 257A.

20. *Webster City and Perry, Iowa.* In addition to the changes proposed by interested parties, the Commission wishes to make changes on its own motion in Webster City and Perry, Iowa. Channel 249A was inadvertently assigned to Webster City short-spaced to Channel 247 at Des Moines, Iowa (second adjacent channel). It is proposed to shift Channel 285A from Perry, where it is neither occupied nor applied for, to Webster City and replace the Perry assignment with Channel 288A as follows:

City	Channel No.	
	Present	Proposed
Webster City, Iowa	249A	285A
Perry, Iowa	285A	288A

21. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

22. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before June 25, 1968, and reply comments on or before July 5, 1968. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

23. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished to the Commission.

Adopted: May 15, 1968.

Released: May 17, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-6092; Filed, May 21, 1968; 8:47 a.m.]

[4] Commissioners Hyde, Chairman; and Loevinger absent.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ASSOCIATE DIRECTOR ET AL.

Delegations of Authority

The following redelegation of the Authority of the Director, Bureau of Land Management, to enter into procurement contracts is a part of the Bureau Manual, and the numbering is that of the Manual.

1510—PROCUREMENT

* * * * *

1510.03 *Authority.* * * *

B. *Delegations.* * * *

2. *Procurement authority.* Only those employees of the Bureau who are delegated authority in this section, or are properly redelegated authority in writing, may enter into contracts which bind the Government, and then only within the limits of that authority.

* * * * *

b. *Associate Director, Assistant Director-Administration, Chief, Division of Administrative Services, and Chief, Branch of Procurement.* Exercise all of the authority granted to the Director in Department of the Interior Manual, sections 205.11.1 and 205.11.2, within the following limitations in addition to those stated therein:

(1) Contracts in excess of $25,000, negotiated under section 302(c)(1) of the FPAS Act, as amended, must be executed by the Director.

(2) Contracts negotiated under section 302(c)(11) of the FPAS Act must be preceded by a determination and findings by the Director, if $25,000 or under, or by the Secretary if the cost exceeds $25,000.

c. *Service Center Directors*—(1) *Formally advertised contracts.* Pursuant to 205 DM 11.1, may enter into contracts after formal advertising regardless of amount.

(2) *Leases of space in real estate.* Pursuant to section 52 of Secretary's Order 2509, as amended, may enter into leases of space in real estate, provided that the conditions set forth in FPMR 101–18.106 are met.

(3) *Negotiated contracts.* May enter into negotiated contracts without advertising pursuant to sections (1) through (15) of the FPAS Act, as amended, with the following limitations:

(a) Negotiation under section 302(c)(1) is restricted to contracts not exceeding $25,000.

(b) Negotiation under section 302(c)(11) must be preceded by a determination and findings by the Director if the proposed contract does not exceed $25,000. If the contract exceeds $25,000, a determination and findings by the Secretary is required.

(c) Negotiation under sections 302(c)(12) and (13) requires a determination and findings by a Secretarial officer.

(d) *Note.* Service Center Contracting Officers send a copy of each contract negotiated under sections 302(c)(4), (10), (11), (12), and (13) of the FPAS Act, complete with the supporting determination and findings, RFP, and abstract of proposals, to the Director, 735a.

(4) *Established sources of supply.* May procure necessary supplies, capitalized equipment and services from established sources of supply, regardless of amount.

(5) *Capitalized equipment.* In accordance with Bureau Manual 1511.06G, procures all capitalized property required by BLM field offices.

d. *State Directors*—(1) *Negotiated contracts.* May enter into negotiated contracts without advertising pursuant to section 302(c)(2) of the FPAS Act, as amended, for rental of equipment and aircraft covered by offer agreements necessary for the purpose of emergency fire suppression.

(2) *Open market purchasing.* May enter into contracts pursuant to section 302(c)(3) of the FPAS Act, as amended, for supplies and services, excluding capitalized property, not to exceed $2,500; and contracts for construction not to exceed $2,000: *Provided,* That the requirement is not available from established sources of supply.

(3) *Established sources of supply.* May procure necessary supplies and services, except capitalized property, available from established sources of supply regardless of amount.

e. *Managers, Outer Continental Shelf Offices*—(1) *Open market purchasing.* May enter into contracts pursuant to section 302(c)(3) of the FPAS Act, as amended, for supplies and services, except capitalized equipment, not to exceed $2,500 per transaction, provided that the requirements are not available from established sources.

(2) *Established sources of supply.* May procure supplies and services except capitalized equipment from established sources of supply not to exceed $2,500 per transaction.

f. *Directors, Job Corps Conservation Centers*—(1) *Negotiated contracts.* May enter into negotiated contracts without advertising pursuant to section 302(c)(9) of the FPAS Act, as amended, to secure perishable subsistence, regardless of amount.

(2) *Open market purchasing.* May enter into contracts pursuant to section 302(c)(3) of the FPAS Act, as amended, for supplies and services except capitalized equipment not to exceed $2,500, and construction contracts not to exceed $2,000: *Provided,* That requirements are not available from established sources.

(3) *Established sources of supply.* May procure necessary supplies and services except capitalized equipment from established sources of supply regardless of amount.

g. *Director, BIFC*—(1) *Negotiated contracts.* May enter into negotiated contracts without advertising pursuant to section 302(c)(2) of the FPAS Act, as amended, for rental of equipment and aircraft covered by offer agreements, and for purchase of supplies, services, and capitalized equipment (excluding vehicles), necessary for emergency fire suppression.

(2) *Open market purchasing.* May enter into contracts, pursuant to section 302(c)(3), for supplies and services not to exceed $2,500, and for construction not to exceed $2,000: *Provided,* That the requirements are not available from established sources. Capitalized equipment (excluding vehicles) may be procured under this authority only when necessary in emergency fire suppression situations.

(3) *Established sources of supply.* May procure necessary supplies and services except capitalized equipment from established sources of supply regardless of amount. Capitalized equipment may be purchased in emergency fire suppression situations only.

h. *Hearing Examiners*—(1) *Open market purchasing.* May enter into contracts under section 302(c)(3) of the FPAS Act, as amended, for stenographic reporting service not to exceed $2,500 per transaction, and for supplies and other services not to exceed $500 per transaction: *Provided,* The requirements are not available from established sources.

(2) *Established sources of supply.* May procure stenographic reporting service regardless of amount, and supplies and services not to exceed $2,500 per transaction, from established sources of supply.

C. *Redelegation.* The officials delegated authority under .03B2 above, may, in writing, redelegate all or any part of this authority granted them to any qualified employees under their jurisdiction. Procurement authority carries with it a high degree of responsibility in that it authorizes a commitment of the Government's money. Therefore, redelegate this authority only to those who demonstrate ability and responsibility to perform in accord with established contracting procedures, and who possess sound judgment and integrity. Delegations should correspond to overall responsibilities and duties of staff positions, so that programs are carried out efficiently, yet with adequate control.

BOYD L. RASMUSSEN,
Director.

MAY 15, 1968.

[F.R. Doc. 68–6051; Filed, May 21, 1968; 8:46 a.m.]

[Serial No. N-818]

NEVADA

Notice of Proposed Classification for Disposal

MAY 15, 1968.

Notice is hereby given of a proposal to classify the lands described below for disposal in accordance with section 2 of the Classification and Multiple-Use Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1412). Disposal of the lands is authorized by the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427).

This proposal has been discussed with local governmental officials and other interested parties. Information derived from discussions and other sources indicates that these lands meet the criteria of 43 CFR 2410.1–3(d)(2), which governs classification of lands under the Classification and Multiple-Use Act for sale under the Public Land Sale Act where they are "chiefly valuable for residential, commercial, agricultural, or industrial uses or development (other than grazing use or use for raising native forage crops), if (i) adequate zoning regulations are in effect, and, where the lands also are needed for urban or suburban development, (ii) adequate local governmental comprehensive plans have been adopted". Adequate zoning regulations are in effect. The Board of County Commissioners of Clark County has approved the proposed sale with the understanding that any development will conform to all applicable Clark County codes. Each successive stage of development will require advance approval by the Planning Department and County Commission.

Publication of this notice will segregate the affected lands from all forms of disposal under the public land laws, including the mining laws, except the form of disposal for which it is proposed to classify the lands (43 CFR 2243.2–6).

All mineral deposits in lands sold under the authority of the Public Land Sale Act will be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Information concerning the lands, including the record of public discussions, is available for inspection and study at the Bureau of Land Management, Federal Building, 300 Booth Street, Reno, Nev. For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager, 1859 North Decatur Boulevard, Las Vegas, Nev. 89108.

The lands affected by this proposal are located in Clark County and are described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 17 S., R. 58 E.,
Sec. 14, NW¼SW¼, S½SW¼;
Sec. 15, W½NE¼, W½, SE¼;
Sec. 16, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, W½;
Sec. 25, W½W½;
Sec. 26, all;
Sec. 35, all.

Containing 5,000 acres.

For the State Director.

ROLLA E. CHANDLER,
Acting Manager,
Nevada Land Office.

[F.R. Doc. 68-6052; Filed, May 21, 1968; 8:46 a.m.]

NEVADA

Order Opening Public Lands

MAY 14, 1968.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

(N-1124, 1648, 1425)

T. 17 N., R. 24 E.,
Sec. 27, NE¼, S½.
T. 30 N., R. 34 E.,
Sec. 35, NW¼.
T. 37 N., R. 38 E.,
Sec. 9, S½SW¼, SW¼SE¼.

(N-1882, 2102, 1174)

T. 11 N., R. 43 E.,
Sec. 29, E½NE¼.
T. 37 N., R. 51 E.,
Sec. 26, SW¼NE¼, NW¼NW¼, S½NW¼, N½SE¼;
Sec. 27, N½NE¼, NE¼NW¼;
Sec. 35, SW¼NE¼, SE¼NW¼, NW¼SE¼.
T. 29 N., R. 52 E.,
Sec. 1;
Sec. 15, E½;
Secs. 23, 25, 35.
T. 33 N., R. 52 E.,
Sec. 1;
Sec. 5, lot 4, SW¼NW¼, SW¼, S½SE¼, except a strip of land heretofore conveyed;
Sec. 12, E½;
Sec. 13;
Sec. 21, N½, SW¼SW¼, E½SW¼, SE¼;
Sec. 24, E½W½;
Sec. 28, NE¼NW¼, SW¼NW¼, NE¼SW¼, except a parcel of ground heretofore conveyed.
T. 34 N., R. 52 E.,
Secs. 13, 25;
Sec. 31, lots 3, 4, E½SW¼, S½SE¼, except 2 parcels of ground heretofore conveyed;
Sec. 35, E½NE¼, SW¼NE¼, SE¼.

(N-2102, 1732, 1174, 1121)

T. 37 N., R. 52 E.,
Sec. 2, SE¼SW¼, SW¼SE¼;
Sec. 11, NE¼, E½W½, SW¼SE¼;
Sec. 14, W½NW¼;
Sec. 17, NW¼NW¼;
Sec. 18, NE¼NE¼.
T. 38 N., R. 52 E.,
Sec. 2, SW¼NW¼.
T. 39 N., R. 52 E.,
Sec. 19, SE¼SW¼;
Sec. 29, W½SE¼;
Sec. 31, NW¼NE¼.
T. 29 N., R. 53 E.,
Sec. 15, W½;
Sec. 33, N½.
T. 30 N., R. 53 E.,
Sec. 31.
T. 31 N., R. 53 E.,
Sec. 21, all, except a parcel of land heretofore conveyed;
Sec. 23, S½N½, S½.

(N-2102, 1732)

T. 33 N., R. 53 E.,
Sec. 5;
Sec. 6, lots 4, 5, 6, 7;
Sec. 7;
Sec. 8, W½NW¼, SE¼NW¼.
T. 34 N., R. 53 E.,
Sec. 16, SE¼NW¼, NW¼SW¼;
Sec. 20, NE¼SW¼, SW¼SW¼;
Sec. 30, SE¼NE¼, W½SE¼.
T. 38 N., R. 53 E.,
Sec. 17, SE¼SW¼;
Sec. 28, SE¼NE¼.

(N-1103, 1121, 1732)

T. 31 N., R. 54 E.,
Sec. 25, W½E½;
Secs. 27, 33;
Sec. 35, N½, SW¼, N½SE¼, SW¼SE¼.
T. 32 N., R. 54 E.,
Secs. 23, 25, 35.
T. 39 N., R. 54 E.,
Sec. 9, SW¼SW¼;
Sec. 16, NE¼;
Sec. 17, SW¼NW¼;
Sec. 18, SE¼NE¼;
Sec. 23, W½SW¼, SE¼SW¼.
T. 32 N., R. 55 E.,
Secs. 19, 31.

(N-1532, 1796, 2202)

T. 39 N., R. 61 E.,
Sec. 14, W½E½;
Sec. 31, lots 1, 2, 3, NE¼, E½NW¼.
T. 46 N., R. 62 E.,
Sec. 1, NE¼SW¼;
Sec. 12, NW¼SW¼;
Sec. 14, NE¼NE¼;
Sec. 27, SE¼NW¼.
T. 31 N., R. 63 E.,
Sec. 1, SW¼SW¼;
Sec. 12, NW¼NW¼.
T. 46 N., R. 63 E.,
Sec. 3, NW¼SW¼.
T. 47 N., R. 63 E.,
Sec. 13, NW¼SE¼;
Sec. 26, SW¼NW¼.

(N-2202, 1278)

T. 31 N., R. 64 E.,
Sec. 6, SE¼NW¼.
T. 33 N., R. 64 E.,
Sec. 29, SW¼SE¼;
Sec. 32, SE¼NE¼.
T. 34 N., R. 66 E.,
Sec. 13, all, except a parcel of ground heretofore conveyed.
T. 35 N., R. 67 E.,
Sec. 13, all, except 2 parcels of ground heretofore conveyed;
Secs. 25, 33, 35.
T. 36 N., R. 67 E.,
Secs. 1, 3, 5, 9, 11, 13, 15, 23, 25.
T. 21 S., R. 53 E.,
Sec. 14, SE¼SW¼.

The areas described aggregate approximately 28,989 acres.

2. Minerals were conveyed in the following described lands only:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 19 E.,
Sec. 16, SE¼NE¼, W½SE¼.
T. 17 N., R. 24 E.,
Sec. 27, NE¼, S½.
T. 30 N., R. 34 E.,
Sec. 35, NW¼.
T. 11 N., R. 43 E.,
Sec. 29, E½NE¼.
T. 31 N., R. 63 E.,
Sec. 1, SW¼SW¼;
Sec. 12, NW¼NW¼.
T. 31 N., R. 64 E.,
Sec. 6, SE¼NW¼.
T. 33 N., R. 64 E.,
Sec. 29, SW¼SE¼;
Sec. 32, SE¼NE¼.

T. 21 S., R. 53 E.,
Sec. 14, SE¼SW¼.

3. All minerals except petroleum, oil and natural gas and products derived therefrom were conveyed on the following described land:

MOUNT DIABLO MERIDIAN

T. 37 N., R. 38 E.,
Sec. 9, S½SW¼, SW¼SE¼.

4. The land in T. 17 N., R. 24 E., is located about 35 miles east of Carson City on a rough volcanic extrusion known as Churchill Butte. Vegetation is primarily big sagebrush with an understory of native grass.

5. The land in T. 30 N., R. 34 E., lies south of Unionville, Nev., in the foothills of the Humboldt Range.

6. The land in T. 37 N., R. 38 E., is situated 8 miles north of Winnemucca, Nev., adjacent to the Humboldt County Sand Dunes Recreation Site. Topography is broken and gently rolling. Vegetation is sparce or nonexistent.

7. The land in T. 11 N., R. 43 E., is located in Smoky Valley, north of Round Mountain, Nev. Vegetative cover consists of big sagebrush and rabbitbrush with an understory of alkali sacaton and saltgrass.

8. The lands in T. 37 N., R. 51 E., Tps. 37, 38, and 39 N., R. 52 E., T. 38 N., R. 53 E., and T. 39 N., R. 54 E., are located northwest of Elko, Nev. The terrain is hilly to mountainous. Soils are generally shallow. Vegetation is sage, rabbitbrush, and other browse.

9. The lands in Tps. 29, 33, and 34 N., R. 52 E., and Tps. 29, 30, 31, 33, and 34 N., R. 53 E., lie southwest and west of Elko, Nev. Topography varies from gently rolling to steep and mountainous. Soils are generally shallow, highly erodible and relatively unproductive in their natural state.

10. The lands in Tps. 31 and 32 N., R. 54 E., and T. 32 N., R. 55 E., are located southwest of Elko, Nev. The terrain is flat to gently rolling hills. Vegetation consists of big sage with an understory of bluegrass, cheatgrass and squirreltail.

11. The land in T. 39 N., R. 61 E., lies northwest of Wells, Nev., in the vicinity of Tabor Creek Flats. The terrain is gently rolling.

12. The land in Tps. 46 and 47 N., Rs. 62 and 63 E., are in northeastern Elko County, west of Jackpot, Nev. Soils are shallow and stony. Elevations range from 5,000 to 6,500 feet.

13. The lands in T. 31 N., R. 63 E., and Tps. 31 and 33 N., R. 64 E., lie southeast of Wells, Nev., in the vicinity of Spruce Mountain. Elevation is from 6,000 to 8,000 feet. Topography is rolling to moderately rough.

14. The lands in T. 34 N., R. 66 E., T. 35 N., R. 67 E., and T. 36 N., R. 67 E., are located west of Wendover, Utah, in Elko County, Nev. Topography varies from gentle on the Goshute Valley Plain to rolling and rough in the mountains and foothills.

15. The land in T. 21 S., R. 53 E., lies in Pahrump Valley, Nye County, Nev. The terrain is level with fairly deep sandy soils.

16. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 are hereby opened to operation of the public land laws generally; the lands described in paragraphs 2 and 3 are opened additionally to location under the mining laws and to mineral leasing, except that the lands in paragraph 3 are not open to leasing for petroleum, oil, natural gas, or products derived therefrom. All valid applications received at or prior to 10 a.m. on June 18, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

17. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 68-6053; Filed, May 21, 1968; 8:46 a.m.]

[Serial No. U-5061]

UTAH

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18), and to the regulations in Title 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the area described below. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes as amended (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (43 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands affected are those administered by the Bureau of Land Management within the following described areas in Utah County, Utah:

SALT LAKE MERIDIAN, UTAH

T. 5 S., R. 3 W.,
Secs. 33 and 34.
T. 6 S., R. 2 W.,
Secs. 6 and 7.
Tps. 6, 7, and 8 S., R. 3 W.
T. 9 S., Rs. 2 and 3 W.
T. 10 S., R. 1 W.,
Secs. 34 and 35.
T. 10 S., R. 2 W.,
Sec. 35.
T. 11 S., Rs. 1 and 2 W.
T. 12 S., R. 2 W.

The public domain lands within the area described aggregate approximately 56,109 acres.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Post Office Box 778, Fillmore, Utah 84631; or to the District Manager; Bureau of Land Management, 1750 South Redwood Road, Salt Lake City, Utah 84104; or to the State Director, Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

4. The records and maps depicting these lands are on file and may be viewed at the Bureau of Land Management's district office, 1750 South Redwood Road, Salt Lake City, Utah; in the Fillmore district office, Fillmore, and the State office, Federal Building, Salt Lake City, Utah.

5. A public hearing on the proposed classification will be held June 6, 1968 at 1 p.m., in the County Commission Chambers, Utah County Courthouse, Provo, Utah.

R. D. NIELSON,
State Director.

[F.R. Doc. 68-6054; Filed, May 21, 1968; 8:46 a.m.]

[Wyoming 12616]

WYOMING

Notice of Proposed Classification of Public Lands

Correction

In F.R. Doc. 68-5636 appearing at page 7089 in the issue of Saturday, May 11, 1968, the following correction should be made: The 56th line of the second column on page 7090 which now reads "Sec. 33, W½NE¼S½NW¼, and S½;" should read "Sec. 33, W½NE¼, S½NW¼, and S½;".

[Wyoming 12617]

WYOMING

Proposed Classification of Public Lands for Multiple-Use Management

Correction

In F.R. Doc. 68-5637 appearing at page 7090 in the issue of Saturday, May 11, 1968, the following correction should be made: On page 7091, the 46th line of column one which now reads "along section lines to the southwest corner" should read "along section lines to the southeast corner".

Fish and Wildlife Service

[Docket No. G-408]

RALPH J. SMITH

Notice of Loan Application

Ralph J. Smith, 1607 West Fifth Street, Freeport, Tex. 77541, has applied

for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 72-foot length overall wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled applications is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. McHUGH,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68–6074; Filed, May 21, 1968; 8:46 a.m.]

National Park Service

[Order No. 2]

ADMINISTRATIVE OFFICER, PINNACLES NATIONAL MONUMENT

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. The Administrative Officer may execute, approve, and administer contracts not in excess of $2,000 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations.

2. Revocation: This order supersedes Order No. 1, dated July 18, 1963.

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535, 16 U.S.C.; sec. 2, Western Regional Order No. 4 (31 F.R. 5577))

Dated: April 26, 1968.

GORDON K. PATTERSON,
Superintendent,
Pinnacles National Monument.

[F.R. Doc. 68–6055; Filed, May 21, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[P.P.C. 639]

JAPANESE AND WHITE-FRINGED BEETLES, EUROPEAN CHAFER, AND IMPORTED FIRE ANT

List of Approved Laboratories Authorized To Receive Soil Samples Without Certification or Permit

Pursuant to the Japanese Beetle, White-fringed Beetle, European Chafer, and Imported Fire Ant Quarantines (Notices of Quarantines Nos. 48, 72, 77, and 81; 7 CFR 301.48, 301.72, 301.77, and 301.81), sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the list of approved laboratories (31 F.R. 14363) authorized to receive soil samples of one pound or less without certification or permit from areas regulated under the said notices of quarantines and supplemental regulations pertaining thereto is hereby revised to read as follows:

Laboratory, address:

ALABAMA

Agronomy Department, Soil and Water Conservation Research Division, ARS, Auburns University, Auburn.
Auburn University Soil Testing Laboratory, Funchess Hall, Auburn University, Auburn.
Dixie Laboratories, Inc., 155 Beauregard Street, Mobile.
L. R. Johnston Co., Inspection Bureau, 2650 Government Boulevard, Mobile.
F. S. Royster Guano Co., Soil Test Laboratory, 62 Ninth Street, Post Office Box 308, Montgomery.
A. W. Williams Inspection Co., 208 Virginia Street, Mobile.

ARIZONA

Southwest Rangeland Hydrology Research Watershed, Post Office Box 3926, Tucson.
U.S. Water Conservation Laboratory, Route 2, Box 816–A, Tempe.

ARKANSAS

University of Arkansas Experiment Station Soil Testing Laboratory, Marianna.

CALIFORNIA

Frenso Field Station, 4816 East Shields Avenue, Fresno.
Quality of Water Laboratory, Water Resources Division, U.S. Geological Survey, 345 Middlefield Road, Menlo Park 94025.
Southwestern Irrigation Field Station, Post Office Box 1339, Brawley.
U.S. Salinity Laboratory, Post Office Box 672, Riverside.

COLORADO

Analytical Laboratory, Geologic Division, U.S. Geological Survey, Building 25, Federal Center, Denver 80225.
Branch of Quality of Water Laboratory, Water Resources Division, U.S. Geological Survey, Federal Center, Denver 80225.
Engineering Geology Laboratory, Geologic Division, U.S. Geological Survey, Federal Center, Denver 80225.
Exploration Research Laboratory, Geologic Division, U.S. Geological Survey, Federal Center, Denver 80225.
Hydrologic Laboratory, Water Resources Division, U.S. Geological Survey, Federal Center, Denver 80225.
Nitrogen Laboratory, Post Office Box 758, Fort Collins.
Paleontology and Stratigraphy Laboratory, Geologic Division, U.S. Geological Survey, Federal Center, Denver 80225.
Palynology Laboratory, Geologic Division, U.S. Geological Survey, Federal Center, Denver 80225.
Pesticide Laboratory, Water Resources Division, U.S. Geological Survey, Federal Center, Denver 80225.
USDA Central Great Plains Field Station, Box K, Akron.

CONNECTICUT

Chas. Pfizer & Co., Inc., Eastern Point Road, Groton 06340.
Consolidated Cigar Corp., 131 Oak Street, Glastonbury 06033.

DISTRICT OF COLUMBIA

Analytical Laboratory, Geologic Division, U.S. Geological Survey, Navy Yard Annex, Washington 20242.
Branch of Quality of Water Laboratory, Water Resources Division, U.S. Geological Survey, Room 117, Old Post Office Building, Washington 20242.
Carbon 14 Laboratory, Isotope Geology Branch, Geologic Division, U.S. Geological Survey, Washington 20242.

FLORIDA

American Agricultural Chemical Co. Soil Testing Laboratory, Pierce 33867.
Armour Agricultural Chemical Co., East Eighth Street and Talleyrand Avenue, Post Office Box 3007, Jacksonville 32200.
Collier County Soil Laboratory, County Courthouse, Naples 33940.
Dade County Soils Laboratory, Homestead 33030.
Escambia County Soils Laboratory, Room 308, County Courthouse, Pensacola 32501.
Flowers Analytical Laboratories, Post Office Box 587, Altamonte Springs 32701.
W. R. Grace & Co., Post Office Box 36, Fort Pierce 33450.
International Minerals and Chemical Corp., Post Office Box 467, Mulberry 33860.
Law Engineering Testing Co., Post Office Box 632, Cape Canaveral 32920.
Law Engineering Testing Co., Post Office Box 5738, Jacksonville 32207.
Law Engineering Testing Co., Post Office Box 5742, Orlando 32805.
Law Engineering Testing Co., Post Office Box 10476, Tampa 33609.
Dr. Ralph Miller's Laboratory, 701 South Hyer, Orlando 32800.
Robert G. Miller Laboratory, Post Office Box 3245, Fort Pierce 33450.
H. W. Myers and Associates, Post Office Box 681, Sebring 33870.
Peninsular Engineering Testing Co., 1204 Harbor City Boulevard, Eau Gallie 32935.
Plantation Field Laboratory, Post Office Box 9087, Fort Lauderdale 33300.
Polk County Fertilizer Co., Post Office Box 366, Haines City 33844.
Soil Testing Laboratory, Agricultural Extension Service, Gainesville 32601.
Southern Analytical Laboratory, Inc., 2471 Swan Street, Jacksonville 32207.
Thornton and Co., 1145 East Cass Street, Tampa 33602.
Three Gee Dee, Pembroke 33866.
Dr. Wolf's Agricultural Laboratory, Soil and Plant Test, 2620 Taylor Street, Hollywood 33020.
V. Woods Laboratory, Post Office Box 7, Davenport 33837.

GEORGIA

Agriculture Experiment Station, University of Georgia, Athens.
Agriculture Experiment Station, University of Georgia, Experiment.
Agriculture Experiment Station, University of Georgia, Tifton.
Armour Agricultural Chemical Co., 685 DeKalb Industrial Way, Decatur 30033.
Department of Agronomy Soil Testing Laboratory, University of Georgia, Athens.
International Mineral & Chemical Corp., East Point.
Jay Evans Testing Laboratory, Albany.
Law Engineering Testing Co., Atlanta.
Soil and Water Conservation Research Division, Southern Piedmont Conservation Research Center, Post Office Box 33, Watkinsville.
Soil Conservation Service, U.S. Department of Agriculture, Athens.
Southern Nitrogen Co., Post Office Box 246, Savannah.
State Highway Soil Testing Laboratory, 305 Sixth Street NW., Atlanta.

Tennessee Corp., Agricultural Operational Division, 1330 West Peachtree Street, Atlanta.

IDAHO

Northwest Hydrology Research Watershed, 306 North Fifth Street, Post Office Box 2724, Boise.
Snake River Conservation Research Center, Route 1, Box 186, Kimberly.

ILLINOIS

Consolidated Laboratories, Congerville.
International Minerals & Chemical Corp., Erie.
International Minerals & Chemical Corp., Libertyville.
International Minerals & Chemical Corp., Old Orchard Road, Skokie.
International Minerals & Chemical Corp., Union.
Nuag Soil Testing Laboratory, Rochelle.
Olson Management Service, 68 Monterey Street, Freeport.
Soil and Water Conservation Research Division Laboratory, ARS, S-212 Turner Hall, University of Illinois, Urbana.

INDIANA

Jeffersonville Chemical Service Laboratory, Jeffersonville.
Soil and Water Conservation Research Division Laboratory, ARS, Agricultural Engineering Department, Purdue University, Lafayette.

IOWA

W. R. Grace Laboratory, Atlantic.
Soil and Water Conservation Research Division Laboratory, Agricultural Research Service, Agronomy Building, Iowa State University, Ames.

KANSAS

Soil and Water Conservation Research Division Laboratory, ARS, Agronomy Department, Waters Hall, Kansas State University, Manhattan.

KENTUCKY

Farm Bureau, Henderson 42420.
W. R. Grace & Co., Industrial Drive, Hopkinsville 42240.
Soil Testing Laboratory, College of Agriculture, University of Kentucky, Lexington.

LOUISIANA

Barrow-Agee Laboratories, Inc., 2514 Bell Street, Shreveport.
Bureau of Public Roads, 3444 Convention Street, Baton Rouge.
Engineers Testing Laboratories, 10601 Airline Highway, Baton Rouge.
Louisiana Polytechnic Institute, Ruston.
Pittsburgh Testing Laboratories, Post Office Box 3128, Baton Rouge.
Shilstone Testing Laboratories, 1068 Neosho Street, Baton Rouge.
Soil and Water Conservation Research Division Laboratory, ARS, Post Office Drawer U, University Station, Baton Rouge.

MAINE

Soil and Water Conservation Research Division Laboratory, ARS, The Maples, University of Maine, Orono 04473.

MARYLAND

American Agricultural Chemical Co., 2272 South Clinton Street, Baltimore 21224.
Pesticides Investigations, Crops Research Division, Crop Protection Research Branch, Plant Industry Station, Building 050, Beltsville 20705.
U.S. Hydrograph Laboratory, Soil and Water Conservation Research Division, ARS, Plant Industry Station, Beltsville 20705.

MASSACHUSETTS

Soil Mechanics Division, Massachusetts Institute of Technology, Cambridge 02139.

MICHIGAN

American Agricultural Chemical Co., 204 South Forman Street, Detroit.
Dow Chemical Co., Midland.
Prescription Farming, Inc., Eau Claire.
Upjohn Pharmaceutical Co., 7171 Portage Road, Kalamazoo.

MINNESOTA

Archer-Daniels-Midland Co., Minneapolis.
Minnesota Soil Testing Laboratory, 35 Soil Science Building, St. Paul Campus, University of Minnesota, St. Paul 55101.
North Central Soil Conservation Research Center, Morris.

MISSISSIPPI

Soil and Water Conservation Research Division Laboratory, ARS, Agricultural Experiment Station, Post Office Box 502, State College.
Soil Laboratory, Department of Chemistry, Agricultural Experiment Station, Mississippi State University, Post Office Box 642, State College 39762.
Soil Testing Laboratory, Cooperative Extension Service, Mississippi State University, Post Office Box 1535, State College 39762.
State Highway Department, Jackson.
USDA Sedimentation Laboratory, Box 30, Oxford.

MISSOURI

Fruco & Associates, Inc., 1706 Olive Street, St. Louis 63103.
St. Louis Testing Laboratories, Inc., 2810 Clark Avenue, St. Louis 63103.

MONTANA

Northern Plains Soil and Water Research Center, Post Office Box 1109, Sidney.

NEBRASKA

Harris Laboratories, Inc., Lexington.
Soil and Water Conservation Research Division Laboratory, ARS, Agronomy Department, University of Nebraska, Lincoln.
USDA Soil Conservation Service, Soil Survey Laboratory, 1325 N Street, Lincoln.
USDA Soil Mechanic Laboratory, AER, ARS, 800 J Street, Lincoln.

NEW JERSEY

American Cyanamid Co., Quakerbridge Road, Clarksville 08638.
Campbell Soup Co., Branch Pike, Riverton 08077.
Geology Department, Princeton University, Guyot Hall, Princeton 08540.
Hoffmann-LaRoche, Inc., 340 Kingland Avenue, Nutley 07110.
Johnson Soil Engineering Laboratory, 193 North Shore Avenue, Bogota 07603.
Charles Pfizer Co., Maywood Avenue, Maywood 07607.
Seabrook Farms, Seabrook 08302.
Shell Chemical Co., Post Office Box 813, Princeton 08540.
Soils Department, Rutgers University, New Brunswick 08903.
U.S. Testing Co., 14-15 Park Avenue, Hoboken 07030.
Joseph S. Ward, Inc., Consulting Engineer, 91 Roseland Avenue, Caldwell 07006.

NEW YORK

Agronomy Department, Cornell University, Ithaca 14850.
Department of Soil Engineering, School of Civil Engineering, Cornell University, Ithaca 14850.
Floricultural Department, Cornell University, Ithaca 14850.
U.S. Plant, Soil and Nutrition Laboratory, Tower Road, Ithaca 14850.

NORTH CAROLINA

Chembac Laboratories, Western Boulevard, Charlotte.
Froehling and Robertson, Inc., 2860 North Graham Street, Charlotte.
Froehling and Robertson, Inc., Inspection Engineers and Chemists, Fayetteville.
Froehling and Robertson, Inc., Inspection Engineers and Chemists, 2608 South Saunders Street, Raleigh.
Geology Department, Science Building, Post Office Box 6665, College Station, Duke University, Durham 27708.
Geology Department, Mitchell Hall, University of North Carolina, Chapel Hill 27514.
International Soil Testing Control Center, North Carolina State University, Raleigh.
Law Engineering Testing Co., 4560 Old Pineville Road, Charlotte.
Ezra Meir & Associates, Consulting Engineers, 709 West Johnson Street, Raleigh.
North Carolina Department of Geology, Raleigh.
North Carolina Highway and Public Works Commission, Fayetteville.
North Carolina Highway and Public Works Commission, Raleigh.
Pittsburgh Soil Testing Co., 4509 West Market Street, Greensboro.
Soil and Water Conservation Research Division Laboratory, ARS, Post Office Box 5906, Raleigh.
Soil Science Department, North Carolina State University, 352 Williams Hall, Raleigh 27605.
Southeastern Testing Laboratories, West Morehead Street, Charlotte.
Southern Testing and Research Laboratories, Wilson.
USDA, SCS, Division of Soil Survey Investigation, 387-A Williams Hall, North Carolina State University, Raleigh.

OHIO

Brookside Research Laboratory, New Knoxville.
Continental Oil Co., Washington Court House 43160.
Federal Chemical Co., 1210 Bonham Avenue, Columbus 43211.
W. R. Grace & Co., Post Office Box 86, Hickory 42051.
H. J. Heinz Co., 540 North Enterprise Street, Bowling Green.
North Appalachian Experimental Watershed, Soil and Water Conservation Research Division, ARS, Coshocton.
H. C. Nutting Co., 4120 Airport Road, Cincinnati 45200.
Ohio Extension Service Soil Testing Laboratory, College of Agriculture, Ohio State University, Columbus.
Ohio Florists Association, 1827 Neil Avenue, Columbus 43210.
F. S. Royster Guano Co., Post Office Box 6508, Toledo 43612.
O. M. Scott & Sons Seed Co., Marysville.
Smith-Douglass Co., 618 North Champion Avenue, Columbus.
Techlab, Inc., 2912 Vernon Place, Cincinnati 45200.
Vistron Corporation, Fort Amanda Road, Post Office Box 628, Lima 45802.
Woodville Lime Products, Post Office Box 218, Woodville 43469.

OKLAHOMA

Southern Great Plains Hydrology Research Watershed, Post Office Box 400, Chickasha.

PENNSYLVANIA

Michael Baker, Inc., Rochester 15074.
Robert B. Peters Co., 2833 Pennsylvania Street, Allentown 18103.

PUERTO RICO

Soil and Water Conservation Research Division Laboratory, ARS, Agricultural Experiment Station, University of Puerto Rico, Rio Piedras.

SOUTH CAROLINA

Clemson Soil Testing Laboratory, Clemson University, Clemson.
Coastal Plains Soil and Water Research Center, Post Office Box 271, Florence.

TENNESSEE

Armour Agricultural Chemical Co., 61st Avenue North, Nashville 37209.
Federal Chemical Co., 4800 Centennial Boulevard, Nashville 37209.
U.S. Testing Co., Inc, Cotton Exchange Building, Memphis 38103.

TEXAS

Agricultural Department, Stephen F. Austin College, Nacogdoches.
Agricultural Service Laboratories, 1206 South Aster, Pharr.
Agronomy Department, Texas A & M University, College Station.
Blackland Conservation Experiment Station, Post Office Box 748, Temple.
Citrus, Vegetable, Soil, and Water Laboratory, Post Office Box 267, Weslaco.
Geochemical Surveys, 3806 Cedar Springs Road, Post Office Box 6508, Dallas 75219.
Horvitz Research Laboratories, 8116 Westglen, Houston 77042.
McClelland Engineers, Inc., 6100 Hillcroft, Houston.
Pattison's Laboratories, Inc., 211 East Monroe, Harlingen.
Plains Laboratory, 707 Avenue H, Lubbock.
Shilstone Testing Laboratory, 1205 North Tanguaha Street, Corpus Christi.
Shilstone Testing Laboratory, 1714 West Capitol Avenue, Houston.
Soil Testing Laboratory, Wharton County Junior College, Lower Colorado River Authority, Wharton.
Texas Instruments, Inc., Science Service Division, Post Office Box 5621, Dallas 75222.
Trinity Testing Laboratories, Inc., Corpus Christi.
USDA Southwestern Great Plains Research Center, Bushland.

UTAH

Soil and Water Conservation Research Division Laboratory, ARS, Agricultural Science Building 63, Agronomy Department, Utah State University, Logan.

VIRGINIA

Commercial Testing and Engineering Co., 1831 Lindsay Avenue, Norfolk 23504.
Froehling & Robertson, Inc., 1111 Boissevain 23181.
Froehling & Robertson, Inc., 814 West Cary Street, Richmond 23220.
W. R. Grace & Co, Davison Chemical Division, Box 277, South Hill 23970.
Greenlife Products Co., Inc., West Point 23181.
Hazelton Laboratories, Inc., 9200 Leesburg Highway, Post Office Box 30, Falls Church 22046.
McCallum Inspection Co., 1808 Hayward Avenue, Norfolk 23519.
F. S. Royster Guano Co., Room 1004, Royster Building, Norfolk 23510.
Smith-Douglass, Box 419, 5100 Virginia Beach Boulevard, Norfolk 23501
Swift & Co., Agrichem Division, Box 7537, Norfolk 23515.
V–C Chemical Co., 818 Perry Street, Richmond 23224.
V–C Chemical Co., Atlee, Va., Post Office Box 631, Ashland 23005.
Virginia Polytechnic Institute, Soil Testing Laboratory, Blacksburg 24601.
Virginia Truck Experiment Station, Post Office Box 2160, Norfolk 23601.
Virginia Truck Experiment Station, Eastern Shore Branch, Painter 23420.
Woodard Research Corp., Post Office Box 405, 12310 Pinecrest Road, Herndon 22070.

WASHINGTON

Irrigation Experiment Station, Prosser.
Soil and Water Conservation Research Division Laboratory, ARS, 215 Johnson Hall, Washington State University, Pullman.

WEST VIRGINIA

Commercial Testing and Engineering Co., Piedmont and Broad Streets, Charleston 25301.

WISCONSIN

Wisconsin Soil Testing Laboratory, Soils Building, College of Agriculture, University of Wisconsin, Madison 53706.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 7 CFR 301.48, 301.72, 301.77, 301.81; 29 F.R. 16210, as amended)

This notice shall become effective May 22, 1968, when it shall supersede P.P.C. 639, effective November 8, 1966.

Supplemental regulations to the Japanese Beetle, White-fringed Beetle, European Chafer, and Imported Fire Ant Quarantines exempt from the certification and permit requirements of such quarantines soil samples that do not weigh more than one pound; meet certain origin, destination, and packaging requirements; and are consigned to laboratories which are approved by the Director of the Plant Pest Control Division and operate under compliance agreements. This revision of the notice of laboratories approved by said Director corrects the names and addresses of some previously listed laboratories; deletes several previously listed laboratories; and adds 32 laboratories to the list.

The Director of the Plant Pest Control Division has determined that the laboratories listed above qualify for approval under said supplemental regulations. Therefore, such laboratories are authorized to receive, without certification or permit, from the respective regulated areas, soil samples that meet the requirements of said supplemental regulations as to weight, origin, destination, and packaging.

With respect to the establishments added to the list of approved laboratories, this revision relieves certain restrictions presently imposed and should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions that are being relieved. The deletion of laboratories from such list imposes certain restrictions that are necessary to prevent the spread of Japanese beetles, white-fringed beetles, European chafers, and imported fire ants and should be made effective promptly to prevent the interstate spread of such dangerous insects. The corrections of the names and addresses of previously listed establishments are nonsubstantive in nature, and notice and other public procedure with respect thereto would serve no useful purpose. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 17th day of May 1968.

[SEAL] D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 68–6100; Filed, May 21, 1968; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CASE WESTERN RESERVE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00406–33–46500. Applicant: Case Western Reserve University, 10900 Euclid Avenue, Cleveland, Ohio 44106. Article: Ultramicrotome, Model "OM U2". Manufacturer: C. Reichert Optische Werke A. G., Austria. Intended use of article: The article will be used for sectioning sections of bone-containing tissue as part of an investigation concerning clarification and bone formation. Comments: No comments were received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The purposes for which the foreign article is intended to be used require a series of ultrathin sections to be produced with consistent accuracy and uniformity. The foreign article incorporates a thermal advance (feed) which allows sections to be produced, which range in thickness down to 1 Angstrom. The only known comparable domestic instrument, Model MT–2 ultramicrotome manufactured by Ivan Sorvall Inc., employs a mechanical advance which has a minimum thickness capability down to 100 Angstroms. (See Sorvall catalog on MT–1 and MT–2 ultramicrotomes, 1966,

page 11.) In the case of a prior application relating to an identical foreign article, we were advised by the Department of Health, Education, and Welfare (HEW), that in the experience of experts working with biological materials, ultramicrotomes equipped with a thermal feed have been proven superior to those equipped only with a mechanical feed. (See Docket No. 67–00052–33–46500 and memorandum from HEW dated July 26, 1967 contained therein.) In cited memorandum, HEW also advised that consistent reproducibility of section thickness is substantially greater when the thermal advance is used than when the advance is achieved through purely mechanical means.

We therefore find that the Sorvall Model MT–2 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–6034; Filed, May 21, 1968; 8:45 a.m.]

ORANGE COUNTY COMMUNITY COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00408–33–46500. Applicant: Orange County Community College, 115 South Street, Middletown, N.Y. 10940. Article: Ultramicrotome, Model "OM U2". Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article will be used for the preparation of specimens for electron microscopy in a program set up for training medical technologists. Comments: No comments were received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The purposes for which the foreign article is intended to be used require a series of ultrathin sections to be produced with consistent accuracy and uniformity. The foreign article incorporates a thermal advance (feed) which allows sections to be produced, which range in thickness down to 1 Angstrom. The only known comparable domestic instrument, Model MT–2 ultramicrotome manufactured by Ivan Sorvall Inc., employs a mechanical advance which has a minimum thickness capability down to 100 Angstroms. (See Sorvall catalog on MT–1 and MT–2 Ultramicrotomes, 1966, page 11.) In the case of a prior application relating to an identical foreign article, we were advised by the Department of Health, Education, and Welfare (HEW), that in the experience of experts working with biological materials, ultramicrotomes equipped with a thermal feed have been proven superior to those equipped only with a mechanical feed. (See Docket No. 67–00052–33–46500 and memorandum from HEW dated July 26, 1967 contained therein.) In cited memorandum, HEW also advised that consistent reproducibility of section thickness is substantially greater when the thermal advance is used than when the advance is achieved through purely mechanical means.

We therefore find that the Sorvall Model MT–2 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–6033; Filed, May 21, 1968; 8:45 a.m.]

STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00385–33–46040. Applicant: State University of New York, Research Foundation, Upstate Medical Center, College of Medicine, 766 Irving Avenue, Syracuse, N.Y. 13210. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of the article: The article will be used for the following studies:

1. A study of the internal nucleoprotein of the virus.
2. A reevaluation of the budding phenomenon in virus multiplication based on more recent findings related to membrane structure.
3. A study of avian osteopetrosis virus.
4. A study of intracellular events in cells infected with avian tumor viruses.
5. Continuation of studies involving congenital transmissions of avian tumor viruses.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed resolution of 5 Angstroms. The only known comparable domestic electron microscope is the Model EMU–4 manufactured by the Radio Corporation of America (RCA), which has a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provides only two accelerating voltages of 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltages provide optimum contrast for unstained biological specimens and that the accelerating voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. Since the experiments to be conducted with the foreign article require the use of negatively stained and unstained biological specimens, the additional accelerating voltages of the foreign article are pertinent.

For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–6029; Filed, May 21, 1968; 8:45 a.m.]

TEXAS A & M UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scien-

tific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00367-55-41830. Applicant: Texas A & M University, Department of Biology, College Station, Tex. 77843. Article: Fresnel lenses. Manufacturer: Beam Electronics, Japan. Intended use of article: The article will be used for the automatic monitoring of movements of fish, sharks, and terrestrial animals of small size, for the purpose of studying the fundamental mechanisms underlying orientation capabilities of animals generally. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The application relates to 96 Fresnel lenses of the specified size and finish, which are intended for use as components for monitoring equipment now in the possession of the applicant. The Fresnel lenses are being purchased from supplier of the equipment in which they are intended to be used. In normal commercial practice, manufacturers of Fresnel lenses list in their respective catalogs as stock items only those sizes and types for which there is a sufficiently large demand to warrant the cost of the master lens from which plastic replicas are made. The applicant, prior to placing the order with the foreign manufacturer, contacted several domestic manufacturers of Fresnel lenses. Each replied that it did not stock Fresnel lenses of the size and finish needed by the applicant. We are informed by the National Bureau of Standards (memorandum dated Mar. 26, 1968) that the charge for the initial Fresnel lens master by a domestic manufacturer would be $5,000. The plastic replicas would be charged at the regular stock price for similar Fresnel lenses. However, since the Fresnel lenses required by the applicant are stock items with the foreign manufacturer; and since it is not considered normal commercial practice for the purchaser to assume the cost of making a master lens when the needed items are available as stock lenses; the Department of Commerce finds that the Fresnel lenses required by the applicant are not being manufactured in the United States within the meaning of § 602.1(f) of cited regulations.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-6037; Filed, May 21, 1968; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA AT LOS ANGELES

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00390-33-46040. Applicant: University of California at Los Angeles, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Electron microscope, Model EM 300 and decontamination device. Manufacturer: Philips Electronics, The Netherlands. Intended use of article: The article will be used in the study of ultrastructure and antigenic nature of arboviruses; the study of the histology, pathophysiology and immunology of the viral hemorrhagic fevers; and the study of the cellular entry, eclipse phase and replication of certain arboviruses in arthropod and helminth vectors and hosts and in the pathogenesis of specific arbovirus diseases. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed resolution of 5 Angstroms. The only known comparable domestic electron microscope is the Model EMU-4 manufactured by the Radio Corporation of America (RCA), which has a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provides only two accelerating voltages of 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltages provide optimum contrast for unstained biological specimens and that the accelerating voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. Since the experiments to be conducted with the foreign article require the use of negatively stained and unstained biological specimens, the additional accelerating voltages of the foreign article are pertinent.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-6031; Filed, May 21, 1968; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA, SAN DIEGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00377-33-46040. Applicant: University of California, San Diego, Department of Biology, Post Office Box 109, La Jolla, Calif. 92037. Electron microscope and accessories. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of article: The article will be used for several diverse projects including the study of bacterial flagella synthesis, chromosomal proteins, cell adhesion substances, allomorphic forms of viral and plasmid DNA (deoxyribonucleic acid) and other projects requiring only routine high performance of the instrument. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed resolution of 5 Angstroms. The only known comparable domestic electron microscope is the Model EMU-4 manufactured by the Radio Corporation of America (RCA), which has a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4

provides only two accelerating voltages of 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltages provide optimum contrast for unstained biological specimens and that the accelerating voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. Since the experiments to be conducted with the foreign article require the use of negatively stained and unstained biological specimens, the additional accelerating voltages of the foreign article are pertinent.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-6035; Filed, May 21, 1968; 8:45 a.m.]

UNIVERSITY OF HAWAII

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00396-63-73610. Applicant: University of Hawaii, Department of Plant Pathology, 1825 Edmondson Road, Honolulu, Hawaii 96822. Article: Recording volumetric spore trap. Manufacturer: Burkard Manufacturing Co., Ltd., United Kingdom. Intended use of article: The article is to be used in agricultural crops to collect pathogenic spores from the surrounding atmosphere for study in relation to plant disease epidemiology. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: For the purposes for which the foreign article is intended to be used, the applicant is required to establish a time relationship between the collection of fungal spores from the ambient air and the identification of the collected spores. The foreign article permits the establishment of the time relationships automatically over a 7-day period.

The Department of Commerce knows of no comparable domestic instruments or apparatus which has these characteristics.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-6038; Filed, May 21, 1968; 8:45 a.m.]

UNIVERSITY OF HOUSTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00382-33-73610. Applicant: University of Houston, Department of Biology, Houston, Tex. 77004. Article: Volumetric spore trap. Manufacturer: Burkard Manufacturing Co., United Kingdom. Intended use of article: The article will be used for the collection of fungal spores for academic research. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: For the purposes for which the foreign article is intended to be used, the applicant is required to establish a time relationship between the collection of fungal spores from the ambient air and the identification of the collected spores. The foreign article permits the establishment of the time relationships automatically over a 7-day period.

The Department of Commerce knows of no comparable domestic instruments or apparatus which has these characteristics.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-6039; Filed, May 21, 1968, 8:45 a.m.]

UNIVERSITY OF MINNESOTA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00405-60-46040. Applicant: University of Minnesota, Agricultural Experiment Station, St. Paul, Minn. 55101. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for research in plant and soil sciences and in entomology. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed resolution of 5 Angstroms. The only known comparable domestic electron microscope is the Model EMU-4 manufactured by the Radio Corporation of America (RCA), which has a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provides only two accelerating voltages of 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltages provide optimum contrast for unstained biological specimens and that the accelerating voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. Since the experiments to be conducted with the foreign article require the use of negatively stained and unstained biological specimens, the additional accelerating voltages of the foreign article are pertinent.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-6028; Filed, May 21, 1968; 8:45 a.m.]

UNIVERSITY OF PENNSYLVANIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00324-33-46040. Applicant: University of Pennsylvania, Laboratory for Research on the Structure of Matter, 3231 Walnut Street, Philadelphia, Pa. 19104. Article: Norelco EM 300 electron microscope. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of article: The article will be used to prepare students to conduct independent research using this instrument and others in the central facility. Some of the projects that will be conducted will involve the study of dislocations in metals and organic crystals, the core structure of dislocations, structure of bone and teeth, fractography of metals and bone (failure mechanisms), air borne spores, phase transformations in metals, alloys, and polymers, electron diffraction studies and many other projects. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a guaranteed resolution of 5 Angstroms. The only known comparable domestic electron microscope is the Model EMU-4 manufactured by the Radio Corporation of America (RCA), which provides a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the applicant requires the highest attainable resolution and, therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides a continuous range of 200 to 500,000 magnifications without breaking the vacuum of the specimen chamber. The RCA Model EMU-4 provides a range of 500 to 200,000 magnifications. However, in order to attain the higher magnifications of the RCA Model EMU-4, it is necessary to change pole-pieces with the consequent breaking of the vacuum in the specimen chamber. Under the conditions in which the applicant will conduct the experiments with the foreign article, the breaking of the vacuum is conducive to the contamination of the specimen. Therefore, the continuous characteristic of the magnification range of the foreign article is pertinent.

For the foregoing reasons, the RCA Model EMU-4 is not considered to be of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-6032; Filed, May 21, 1968; 8:45 a.m.]

UNIVERSITY OF TEXAS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00401-33-46040. Applicant: University of Texas Medical School at San Antonio, 715 Stadium Drive, San Antonio, Tex. 78212. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be utilized in a variety of research projects pertaining to experimental and human pathology. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed resolu- (RCA), which has a guaranteed resolu- comparable domestic electron microscope is the Model EMU-4 manufactured by the Radio Corporation of America (RCA), which has a guaranateed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provides only two accelerating voltages of 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltages provide optimum contrast for unstained biological specimens and that the accelerating voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. Since the experiments to be conducted with the foreign article require the use of negatively stained and unstained biological specimens, the additional accelerating voltages of the foreign article are pertinent.

For the foregoing reasons we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-6030; Filed, May 21, 1968; 8:45 a.m.]

WAYNE STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00374-01-77030. Applicant: Wayne State University, Detroit, Mich. 48202. Article: Nuclear magnetic resonance spectrometer, Model JNM-AI-100. Manufacturer: Japan Electron Optics Laboratory, Japan. Intended use of article: The article will be used in the education of graduate students in the general areas of analytical, inorganic, organic, and physical chemistry, in the further training of postdoctoral research, associates and in fundamental research the general areas of chemistry mentioned above. Comments: Comments regarding this application have been received from one domestic manufacturer, Varian Associates (Varian), which alleges inter alia that: "The (Varian Model) HA-100, an American made instrument, equipped with standard accessories and optional features is fully the scientific equivalent of the Japanese made 4H-100." (Varian comments attached to letter dated Mar. 15, 1968) Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such

article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is equipped with both an external and internal lock, (page 9 of brochure on JNM–4H–100, No. 6710168–5Tp). The Varian Model HA–100 is equipped only with the internal lock. (See Varian comments, page 9, for reasons Varian does not furnish both internal and external locks with the Model HA–100.) We are advised by the National Bureau of Standards (NBS) in its memorandum dated April 11, 1968, that the external lock capability is necessary for careful studies in certain systems, one of which is the Boron (11) study stated by the applicant. Therefore, the combined external-internal lock capability of the foreign article is pertinent to one of the purposes for which the foreign article is intended to be used. We are also advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 17, 1968, that the availability of both the internal and external lock is a pertinent characteristic.

For this reason, we find that the Varian Model HA–100 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–6036; Filed, May 21, 1968; 8:45 a.m.]

Maritime Administration

VIETNAM SERVICE BAR FOR AMERICAN MERCHANT MARINE

Issuance

Effective as of May 22, 1968, the Acting Maritime Administrator has authorized the issuance of a Vietnam Service Bar to American Merchant seamen who have served in Vietnam waters aboard U.S.-flag ships at any time since July 4, 1965, to a terminal date to be prescribed later, within the following bounds:

From a point on the east coast of Vietnam at the juncture of Vietnam with China southeastward to 21° N. lat., 108°15′ E. long.; thence southeast to 18° N. lat., 108°15′ E. long.; thence southeastward to 17°30′ N. lat., 111° E. long.; thence southward to 11° N. lat., 111° E. long.; thence southwestward to 7° N. lat., 105° E. long.; thence westward to 7° N. lat., 103° E. long.; thence northward to 9°30′ N. lat., 103° E. long.; thence northeastward to 10°15′ N. lat., 104°27′ E. long.; thence northward to a point on the west coast of Vietnam at the juncture with Cambodia.

The design of the service ribbon has been approved by the Institute of Heraldry. Production of the decoration will probably require several weeks.

Applications for the Vietnam Service Bar should be made to the Office of Maritime Manpower, Maritime Administration, Washington, D.C. 20235, giving complete name, Book or "Z" Number, name of vessel, and period of service.

By order of the Acting Maritime Administrator.

Dated: May 20, 1968.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68–6094; Filed, May 21, 1968; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

DIRECTOR, FLIGHT STANDARDS SERVICE

Delegation of Authority

The authority of the Administrator under Title III and Title VI of the Federal Aviation Act of 1958, to issue and amend Special Conditions as set forth in § 21.16 of the Federal Aviation Regulations (14 CFR Ch. I) is delegated to the Director, Flight Standards Service. This delegation is made under the authority of section 303(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1344(d)). The general provisions governing delegations contained in section 1(b) of Part IV of the FAA Organization Statement (30 F.R. 3395, 3400) apply to this delegation, except that the Director, Flight Standards Service, may not redelegate the authority hereby conferred.

Issued in Washington, D.C., on May 17, 1968.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 68–6088; Filed, May 21, 1968; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–234]

GULF GENERAL ATOMIC, INC.

Notice of Issuance of Amended Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on April 20, 1968 (33 F.R. 6144), the Atomic Energy Commission has issued, in the form set forth in that notice, Amendment No. 3 to License No. R–23 to Gulf General Atomic Incorporated of San Diego, Calif.

The amended license authorizes Gulf General Atomic to operate the Experimental Critical Facility, located on the company's Torrey Pines Mesa site in San Diego, to perform the Thermionic Critical Experiment.

Dated at Bethesda, Md., this 8th day of May 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68–6027; Filed, May 21, 1968; 8:45 a.m.]

CIVIL SERVICE COMMISSION

SOCIAL INSURANCE CLAIMS EXAMINER, SOCIAL SECURITY ADMINISTRATION

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on April 23, 1968 for positions of Social Insurance Claims Examiner (Retirement) (Claims Authorizer) GS–993–7, Social Security Administration, within a 35-mile radius of Chicago, Ill.

Appointees to these positions may be paid for the expenses of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–6078; Filed, May 21, 1968; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING; CORRECTION

MAY 16, 1968.

The public notice in the above matter, adopted May 13, 1968 is corrected to read as follows:

1. On page 4, File Number BP–18005 should read "Wright County Radio, Inc., Req: 1360 kc, 500 w, Day".

Released: May 16, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–6093; Filed, May 21, 1968; 8:47 a.m.]

FEDERAL HOME LOAN BANK BOARD

[No. 21,676]

BUDGET INDUSTRIES, INC.

Notice of Intention To Acquire Budget Finance Plan

MAY 20, 1968.

Whereas, Budget Industries, Inc. (Industries), intends to acquire Budget Finance Plan (Budget California) which wholly owns Budget Holding Co. (BHC) which, in turn, owns a majority of the

guarantee stock of State Savings and Loan Association of Stockton, Calif.; and

Whereas, Budget California is a savings and loan holding company as defined in § 583.11 of the Regulations for Savings and Loan Holding Companies (12 CFR 583.11); and

Whereas, § 584.4(b) of the Regulations for Savings and Loan Holding Companies (12 CFR 584.4(b)) requires that such an acquiring company obtain prior approval of the Federal Savings and Loan Insurance Corporation (corporation) before accomplishing such an acquisition; and

Whereas, § 584.4(k) requires that notice of the proposed acquisition be filed for publication in the FEDERAL REGISTER and with the appropriate State supervisory authority; and

Whereas, exceptional circumstances relating to the proposed issuance of securities by Industries require that a period shorter than 30 days be allowed for the submission of written comments or views:

Now, therefore, be it resolved that the Secretary to the Corporation is directed to file the following notice for publication in the FEDERAL REGISTER and with Dr. Preston Martin, Savings and Loan Commissioner, 3440 Wilshire Boulevard, Los Angeles, Calif. 90005.

Notice is hereby given that on April 29, 1968, the Federal Savings and Loan Insurance Corporation received an application from Budget Industries, Inc., for permission to acquire Budget Finance Plan, a savings and loan holding company. The proposed acquisition is to be effected by the purchase of all the issued and outstanding common shares of Budget Finance Plan in exchange for shares of the common stock of Budget Industries, Inc. Comments on the proposed acquisition should be submitted to the Director, Office of Examination and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552.

For the Federal Savings and Loan Insurance Corporation.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68-6162; Filed, May 21, 1968; 10:35 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-99]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

MAY 14, 1968.

Take notice that on May 6, 1968, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP64-99 a petition to amend the order of the Commission issued in said docket on February 18, 1964, as amended August 7, 1964, October 21, 1964, December 15, 1964, June 2, 1965, June 27, 1966, and April 11, 1967, By the instant petition, Petitioner requests authorization to extend the testing period, increase volumetric limitations, and increase its authorized commitment in certain facilities located in Lewis County, Wash., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the said order, as amended, Petitioner was authorized to construct and operate certain facilities, to sell and deliver natural gas to Washington Natural Gas Co. (Washington Natural) and The Washington Water Power Co. (Water Power) and, as to Petitioner's one-third interest, to construct and operate certain other facilities, all for the purpose of testing underground natural gas storage in the Jackson Prairie area of Lewis County, Wash. (Storage Unit), at an estimated cost of $10,800,000. The said order, as amended, limited the inventory of gas in the Storage Unit to 7,500,000 Mcf, the testing activities are to cease on December 31, 1968, or upon divestiture of Petitioner's Northwest Division System, whichever first occurs, and Petitioner's one-third commitment in the testing activities is limited to $3,600,000.

By the instant filing, Petitioner seeks authorization, as to its one-third interest, for an extension of the testing period through June 30, 1969, or until divestiture of its Northwest Division System, whichever first occurs, an increase in its one-third commitment from $3,600,000 to $4,300,000 (raising the total commitment level to $12,900,000), and an increase in the volumetric limitation on the inventory of gas in the Storage Unit from 7,500,000 Mcf to 12,000,000 Mcf.

The petitioner further states that gas withdrawn from the Storage Unit during periods of test withdrawal operations will be received into Petitioner's mainline and utilized by the parties in such quantities as are from time to time delivered to the Storage Unit for their respective accounts.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 10, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-6041; Filed, May 21, 1968; 8:46 a.m.]

[Docket No. CP62-194]

MEDINA GATHERING CORP.

Order To Show Cause

MAY 14, 1968.

By order accompanying Opinion No. 397 issued July 16, 1963, in Docket No. CP62-194, Medina Gathering Corp. (Medina) was granted a certificate of public convenience and necessity authorizing Medina to sell natural gas to Tennessee Gas Transmission Co. and to construct and operate all facilities subject to the jurisdiction of the Commission necessary for such sale. Said order also issued certificates to nine producers to sell to Medina a gas supply produced in northeastern Ohio and northwestern Pennsylvania.

The Commission has not yet been advised of, and according to information available to the Commission, Medina has not commenced, the construction authorized by the aforesaid certificate. In fact, two of the nine producers authorized to sell gas to Medina, Worldwide Petroleum Corp. in Docket No. CI62-761 and Russell McConnell in Docket No. CI62-762, have canceled their respective contracts with Medina, and on October 26, 1967, the Commission vacated their certificates and canceled their related rate schedules.

In view of the lapse of time since Medina's certificate was issued in July 1963, the fact that Medina has not yet begun construction and operation of facilities authorized by the certificate and in light of the cancellation of the aforesaid producers' contracts, rate schedules and certificates, Medina should be ordered to show cause why its certificate should not be canceled.

The Commission orders: Medina Gathering Corp. shall show cause, if there be any, in writing, within 30 days from the date of issuance of this order, why the Commission should not find and determine that Medina's certificate of public convenience and necessity issued in Docket No. CP62-194 on July 16, 1963, should be canceled. If Medina does not answer this order to show cause within the 30 days period, its certificate shall be deemed to be canceled.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-6042; Filed, May 21, 1968; 8:46 a.m.]

[Docket No. CP66-318]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

MAY 14, 1968.

Take notice that on May 3, 1968, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP66-318 a petition to amend the order issued in said docket on June 13, 1966, by authorizing an extension to January 1, 1969, of the period of the authorization granted therein, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued June 13, 1966, in the instant docket, Petitioner was authorized, inter alia, to exchange natural gas with Colorado Interstate Gas Co. (Colorado Interstate). Petitioner was authorized to deliver at a point in Caddo County, Okla., up to 15,000 Mcf of natural gas per day to Public Service Company of Oklahoma (Public Service) for the account of Colorado Interstate during the first year of exchange, and up to 30,000 Mcf per day during the

second year thereof. Colorado Interstate was authorized in Docket No. CP66–317 to deliver equivalent volumes to Petitioner at a designated point of delivery in Beaver County, Okla. The order authorized the exchange for a term of 2 years, which term expires June 30, 1968.

By the instant filing, Petitioner requests that the subject exchange be continued for an additional 6-month period to January 1, 1969, in accordance with the agreement between Petitioner and Colorado Interstate. The petition states that the exchange agreement is subject to prior termination in the event of termination of the related agreement between Colorado Interstate and Public Service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 10, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–6043; Filed, May 21, 1968; 8:46 a.m.]

[Docket No. CP68–306]

TRANSWESTERN PIPELINE CO.

Notice of Application

MAY 14, 1968.

Take notice that on May 6, 1968, Transwestern Pipeline Co. (Applicant), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP68–306 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Northern Natural Gas Co. (Northern) in Hutchinson County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to sell and deliver to Northern up to 20,000 Mcf per day through December 31, 1968, and up to 50,000 Mcf per day beginning January 1, 1969, and continuing through December 31, 1969. Of the total volumes proposed to be delivered through December 31, 1968, 10,000 Mcf represents firm volumes which Applicant must deliver and Northern must purchase. Beginning with January 1, 1969, and continuing through the term of the agreement, the firm volumes which Applicant must deliver and which Northern must purchase is 40,000 Mcf per day. The balance of the volumes will be delivered as available to Applicant and as required by Northern.

The Applicant requests that the authorization terminate on December 31, 1969, or prior to that date if Applicant receives and accepts Commission authorization for either (a) the sale of gas to Cities Service Gas Co. (Docket No. CP67–339) or (b) the sale of gas to Pacific Lighting Service & Supply Co. (Docket No. CP68–181).

The stated purpose of the proposed sale and delivery is to enhance Northern's ability to satisfy its market requirements and to improve Applicant's take or pay position.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 10, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–6044; Filed, May 21, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ALCAR INSTRUMENTS, INC.

Order Suspending Trading

MAY 16, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alcar Instruments, Inc., 225 East 57th Street, New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 17, 1968, through May 26, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–6061; Filed, May 21, 1968; 8:46 a.m.]

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MAY 16, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 17, 1968, through May 26, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–6062; Filed, May 21, 1968; 8:46 a.m.]

FASTLINE, INC.

Order Suspending Trading

MAY 16, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Fastline, Inc., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 17, 1968, through May 26, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–6063; Filed, May 21, 1968; 8:46 a.m.]

[File No. 1–4371]

WESTEC CORP.

Order Suspending Trading

MAY 16, 1968.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 17, 1968, through May 26, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-6064; Filed, May 21, 1968; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 665]

ARKANSAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1968, because of the effects of certain disasters, damage resulted to residences and business property located in the Counties of Garland, Pulaski, Sebastian, and Sevier, in the State of Arkansas;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid counties, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring from May 10 through May 13, 1968.

OFFICE

Small Business Administration Regional Office, 600 West Capital Avenue, Little Rock, Ark. 72201.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1968.

Dated: May 15, 1968.

ROBERT C. MOOT, *Administrator.*

[F.R. Doc. 68-6065; Filed, May 21, 1968; 8:46 a.m.]

[Delegation of Authority No. 4 (Rev. 1); Amdt. 1]

ASSOCIATE ADMINISTRATOR FOR FINANCIAL ASSISTANCE

Delegation of Authority Regarding Financial Assistance

Delegation of Authority No. 4 (Revision 1), (32 F.R. 178), January 7, 1967, is hereby amended by revising item I.B. to read as follows:

I. * * *

B. To cancel, reinstate, modify, and amend authorizations for loans.

* * * * *

Effective date: May 15, 1968.

ROBERT C. MOOT, *Administrator.*

[F.R. Doc. 68-6066; Filed, May 21, 1968; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

JOSEPH ROY FLOWERS

Proceedings To Determine Reasonable Cost of Facilities Furnished to Employees

Pursuant to authority in section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), Order No. 19-67 of the Secretary of Labor (32 F.R. 12980), and 29 CFR 531.4, the Administrator of the Wage and Hour Division, on his own motion, proposes to determine the "reasonable cost" to Joseph Roy Flowers, of Mattson, Miss., of furnishing his employees with board, lodging, or other facilities customarily furnished by Joseph Roy Flowers to his employees. Interested persons may submit written data, views, or argument pertinent to this question by mail to Mr. Sterling B. Williams, Regional Director, Wage and Hour Division, U.S. Department of Labor, 1931 South Ninth Avenue, Birmingham, Ala. 35205, not later than June 14, 1968.

Opportunity will be provided for interested persons to make oral presentation of data, views, or arguments before E. West Parkinson, a hearing examiner appointed under 5 U.S.C. 3105, in Hearing Room 319, Federal Building, Third and Sharky Streets, Clarksdale, Miss., at 10 a.m., June 17, 1968.

Notice of intention to appear should be filed with Mr. Sterling B. Williams, Regional Director, Wage and Hour Division, U.S. Department of Labor, 1931 South Ninth Avenue, Birmingham, Ala. 35205, not later than June 14, 1968.

All those making oral presentations shall be subject to cross examination by counsel for Joseph Roy Flowers and counsel for the Government. The Hearing Examiner shall govern the course of the proceeding, hold presentations to relevant matters, govern the content of the record, have disciplinary power to exclude persons from the room where oral presentations are made, see that the proceedings are stenographically reported and transcripts made available to persons participating on payment of fees therefor. The Hearing Examiner shall certify the record, together with his recommended findings, to the Administrator for consideration of all relevant matters presented and resolution of the issues.

Upon the publication of this notice Joseph Roy Flowers shall notify his employees of the place, date, and purpose of the hearing hereby announced by posting copies of this notice in conspicuous places on his premises.

Signed at Washington, D.C., this 17th day of May 1968.

CLARENCE T. LUNDQUIST, *Administrator.*

[F.R. Doc. 68-6096; Filed, May 21, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. MC-C-3437 (Sub-No. 2)]

WEIR COOK MUNICIPAL AIRPORT-INDIANAPOLIS, IND.-EXEMPT ZONE

Notice of Petition

MAY 17, 1968.

Petition seeking individual determination of the zone surrounding the Weir Cook Municipal Airport near Indianapolis, Ind., within which motor transportation of property is incidental to transportation by air and is exempt from economic regulation under section 203(b)(7a) of the Interstate Commerce Act.

Petitioners: Air Freight Motor Carriers Conference, Film Carrier Conference of the American Trucking Association, and Indiana Transit Service, Inc.

Petitioners representatives: David A. Sutherland, 1120 Connecticut Avenue NW., Washington, D.C. 20036, counsel for Film Carrier Conference; Bryce Rea, Jr., Thomas M. Knebel, 1329 E Street NW., Washington, D.C. 20004, counsel for Indiana Transit Service, Inc., and Air Freight Motor Carriers Conference.

By petition filed April 18, 1968, petitioners request that the Commission individually determine (as provided in paragraph (c) *Individual determination of exempt zones,* to its regulations, 49 CFR 1047.40 (formerly § 210.40) *Motor transportation of property incidental to transportation by aircraft*), the zone surrounding Weir Cook Municipal Airport near Indianapolis, Ind., within which motor transportation of property is incidental to transportation by air and exempt from the Commission's economic regulation under section 203(b)(7a) of the Interstate Commerce Act.

Petitioners state that Indiana Transit Service, Inc., holds certificate No. MC-

71452 which authorizes it to transport property between Terre Haute and Greencastle, Ind., and Weir Cook Municipal Airport; that by Order No. E–24231, dated September 27, 1966, in Docket No. 15582, the Civil Aeronautics Board granted to Wings and Wheels Express, Inc., an air freight forwarder, authority to file a pickup and delivery tariff for extended terminal area service between Terre Haute and Weir Cook Municipal Airport; that Emery Air Freight Corp. as well as other air freight forwarders filed with the Civil Aeronautics Board, and the Board accepted tariffs providing for pickup and delivery services between Greencastle and Weir Cook Municipal Airport; that Emery Air Freight Corp. is presently operating between Greencastle and the airport and that approximately half of petitioner's revenue derived from traffic moving between the airport and Greencastle has been diverted; and that Terre Haute, Ind., a point 70 miles from Indianapolis, and Greencastle, Ind., a point 30 miles from Weir Cook Municipal Airport, should be excluded from the exempt zone.

Petitioners ask that a proceeding be instituted under the regulations set forth above to determine the proper boundary of the exempt zone surrounding Weir Cook Municipal Airport near Indianapolis, Ind.

Any interested person wishing to make representations in favor of or in opposition to the relief sought by the petition may do so by submitting written statements. All such persons, including motor carriers, air carriers, shippers and receivers of freight, and others, whether or not subject to the Commission's jurisdiction, are invited to submit representations setting forth any facts or argument pertinent to the proper determination of the scope of the exempt zone surrounding the Weir Cook Municipal Airport near Indianapolis, Ind.

Representations must be filed on or before July 1, 1968, and copies thereof will be available thereafter at the office of the Commission in Washington, D.C. Persons desiring to file replies to representations may do so on or before August 1, 1968.

An original and 15 copies of each representation and reply, the original of which must be verified with respect to matters of fact contained therein, must be filed with:

Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

In addition, one copy of each representation, reply, or any other pleading must be filed with:

Secretary, Civil Aeronautics Board, Washington, D.C. 20428.

A copy must also be served upon petitioners' representatives, whose addresses appear at the head of this notice, and upon:

Wings and Wheels Express, Inc., 142–42 41st Avenue, Flushing, Long Island, N.Y. 11355.
Emery Air Freight Corp., Post Office Box 322, Wilton, Conn. 06897.

copies of all representations, replies, or other pleadings filed with the Commission must show that service has been made upon the persons named above, in conformity with rule 1.22 of the Commission's general rules of practice.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–6079; Filed, May 21, 1968; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 17, 1968.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 4496 (Sub-No. 6), filed April 30, 1968. Applicant: MID-SOUTH TRANSPORTS, INC., 1046 Arkansas Street, Memphis, Tenn. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except household goods and commodities in bulk), (1) between Jackson and Henderson, Tenn., over U.S. Highway 45, serving all intermediate points, (2) between Memphis and Henderson, Tenn., over Interstate Highway I40 and U.S. Highway 45, serving all intermediate points between Jackson and Henderson, Tenn., (3) between Nashville and Henderson, Tenn., over Interstate Highway I40 and U.S. Highway 45, serving all intermediate points between Jackson and Henderson, Tenn., (4) from Nashville to Pinson, Tenn., over Interstate Highway 22 to junction Tennessee Highway 22A, thence over Tennessee 22A to junction Tennessee Highway 100, thence over Tennessee Highway 100 to U.S. Highway 45 to Henderson, Tenn., thence over U.S. Highway 45 to Pinson, Tenn., and return over the same route, serving all intermediate points between Henderson and Pinson, Tenn. Applicant proposes to use above authority in conjunction with all existing authority. Both intrastate and interstate authority sought.

HEARING: Wednesday, June 26th, 1968, 9:30 a.m. at the Commission's courtroom, C–1 Cordell Hull Building, Nashville, Tenn. Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, C–1 Cordell Hull Building, Nashville, Tenn. 37319, and should not be directed to the Interstate Commerce Commission.

State Docket No. MT–6819, filed May 2, 1968. Applicant: RAPID DELIVERY SERVICE, INC., Allen Street Extension, Jamestown, N.Y. 14701. Applicant's representatives: Johnson, Peterson, Tener and Anderson, Bank of Jamestown Building, Jamestown, N.Y. 14701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities, as defined in 16 NYCRR 800.1,* between all points in the territory comprised of Cattaraugus and Chautauqua Counties. Both intrastate and interstate authority sought. NOTE: Applicant presently holds permit No. 784, issued by the New York State Public Service Commission, authorizing the transportation of general commodities usually dealt in by department stores, retail outlets and artisans, between stores, warehouses, and customers located in Cattaraugus and Chautauqua Counties. It presently seeks a certificate of general commodities between all points in a territory comprised of Cattaraugus and Chautauqua Counties, and, in the alternative, if the Commission should deny the aforesaid request, a conversion of its permit to that of a certificate as a common carrier in the event the Commission approves the requests petitioned herewith, the applicant will consent to the cancellation of its permit.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Public Service Commission of New York, Albany, N.Y. 12208, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–6080; Filed, May 21, 1968; 8:47 a.m.]

[Notice 499]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 17, 1968.

The following letter-notices of proposals to operate over diviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Deviation No. 34), PACIFIC INTERMOUNTAIN EXPRESS, CO., 1417 Clay Street, Post Office Box 958, Oakland, Calif. 94604, filed May 10, 1968. Carrier's representative: Alfred G. Krebs, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 40 and Interstate Highway 57 (at or near Effingham, Ill.), over Interstate Highway 57 to junction Illinois Highway 16 (near Mattoon, Ill.), thence over Illinois Highway 16 to junction U.S. Highway 150 (at or near Paris, Ill.), thence over U.S. Highway 150 to junction U.S. Highway 40 (at or near Terre Haute, Ind.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 40 to St. Louis, Mo., and return over the same route.

No. MC 29910 (Deviation No. 10), ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901, filed May 9, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Little Rock, Ark., and Texarkana, Ark., over Interstate Highway 30, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Little Rock, Ark., over U.S. Highway 67 to junction unnumbered highway (formerly U.S. Highway 67), thence over unnumbered highway via Collegeville, Ark., to junction U.S. Highway 67, thence over U.S. Highway 67 to Texarkana, Ark., and return over the same route.

No. MC 38565 (Deviation No. 4), HARRIS MOTOR EXPRESS, INC., Charlestown Road, Post Office Box 1288, Martinsburg, W. Va. 25401, filed May 8, 1968. Carrier's representative: Charles E. Creager, 10 West Boscawen, Post Office Box 81, Winchester, Va. 22601. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hancock, Md., over Interstate Highway 70 to junction Interstate Highway 81 west of Hagerstown, Md., thence over Interstate Highway 81 to junction U.S. Highway 40 to Hagerstown, Md., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Martinsburg, W. Va., over U.S. Highway 11 to Williamsport, Md., thence over Maryland Highway 63 to junction U.S. Highway 40, thence over U.S. Highway 40 to Hancock, Md., and (2) from Winchester, Va., over U.S. Highway 11 to Hagerstown, Md., and return over the same routes.

No. MC 38565 (Sub-No. 5), HARRIS MOTOR EXPRESS, INC., Charlestown Road, Post Office Box 1288, Martinsburg, W. Va. 25401, filed May 8, 1968. Carrier's representative: Charles E. Creager, 10 West Boscawen, Post Office Box 81, Winchester, Va. 22601. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hagerstown, Md., over Interstate Highway 70 (or U.S. Highway 40 as to those portions of the interstate highway not completed), to junction Interstate Highway 70N at or near Frederick, Md., thence over Interstate Highway 70N to Baltimore, Md., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Hagerstown, Md., over U.S. Highway 11 to Martinsburg, W. Va., thence over West Virginia Highway 9 to Charles Town, W. Va., thence over U.S. Highway 340 to Frederick, Md., thence over U.S. Highway 40 to Baltimore, Md., and return over the same route.

No. MC 38565 (Deviation No. 6), HARRIS MOTOR EXPRESS, INC., Charlestown Road, Post Office Box 1288, Martinsburg, W. Va. 25401, filed May 8, 1968. Carrier's representative: Charles E. Creager, 10 West Boscawen, Post Office Box 81, Winchester, Va. 22601. Carrier proposes to operate as a *common carrier*, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Hancock, Md., over Interstate Highway 70 (or U.S. Highway 40 as to those portions of the interstate highway not completed) to junction Interstate Highway 70N at or near Frederick, Md., thence over Interstate Highway 70N to Baltimore, Md., and return over the same route. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Martinsburg, W. Va., over U.S. Highway 11 to Williamsport, Md., thence over Maryland Highway 63 to junction U.S. Highway 40, thence over U.S. Highway 40 to Hancock, Md., and (2) from Martinsburg, W. Va., over West Virginia Highway 9 to Charles Town, W. Va., thence over U.S. Highway 340 to Frederick, Md., thence over U.S. Highway 40 to Baltimore, Md., and return over the same routes.

No. MC 43421 (Deviation No. 23), DOHRN TRANSFER COMPANY, Post Office Box 1237, Rock Island, Ill. 61202, filed May 10, 1968. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 20 and Interstate Highway 90 near Rockford, Ill., over Interstate Highway 90 to junction U.S. Highway 16 at or near Tomah, Wis., thence over U.S. Highway 16 to La Crosse, Wis., and return over the same route, for operating convenience only. The notice indicates that the carrier is persently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Dubuque, Iowa, over U.S. Highway 20 to Chicago, Ill., and (2) from La Crescent, Minn., over U.S. Highway 61 to Dubuque, Iowa, and return over the same routes.

No. MC 1515 (Deviation No. 450) (Cancels Deviation No. 359), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed May 10, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From Duson, La., over Louisiana Highway 95 to junction Interstate Highway 10, thence over Interstate Highway 10, Lake Charles, La., with the following access routes: (a) From Duson, La., over Louisiana Highway 95 to junction Interstate Highway 10, (b) from Rayne, La., over Louisiana Highway 35 to junction Interstate Highway 10, (c) from Crowley, La., over Louisiana Highway 13 to junction Interstate Highway 10, (d) from junction Interstate Highway 10 and Louisiana Highway 97 over Louisiana Highway 97 to junction U.S. Highway 90, (e) from junction Interstate Highway 10 and Louisiana Highway 26 over Louisiana Highway 26 to junction U.S. Highway 90, and (f) from junction Interstate Highway 10 and U.S. Highway 165 over U.S. Highway 165 to junction U.S. Highway 90, and (2) from junction U.S. Highway 190 and Louisiana Highway 1 over Louisiana Highway 1 to junction Interstate Highway 10 (at Port Allen La.), thence over Interstate Highway 10 to junction Interstate Highway 12 (south of Baton Rouge, La.), thence over Interstate Highway 12 to junction U.S. Highway 61, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: From New Orleans, La., over U.S. Highway 90 to junction Louisiana Highway 30, thence over Louisiana Highway 30 to Luling, La., thence over unnumbered highway to Boutte, La., and thence over U.S. Highway 90 to Lake Charles, La., (2) from Natchez, Minn., over U.S. Highway 61 via Scotlandville, La., to New Orleans, La., and (3) from junction U.S. Highways 90 and 190 east of Slidell, over U.S. Highway 190 via Sli-

dell to Opelousas, La., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-6081; Filed, May 21, 1968; 8:47 a.m.]

[Notice 1182]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 17, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 64932 (Sub-No. 423) (Republication), filed January 30, 1967, published in the FEDERAL REGISTER issues of February 24, 1967, May 18, 1967, and August 10, 1967, and republished this issue. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. By application filed January 30, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of diammonium phosphate, in bulk, except in dump vehicles from Depue, Colfax, and Riverdale, Ill., and Dubuque and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. A report and recommended order of the Hearing Examiner served March 14, 1968, and which became effective May 2, 1968, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle in interstate or foreign commerce, over irregular routes, of *diammonium phosphate,* in bulk, from Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Indiana, Michigan, Ohio, Wisconsin, Missouri, Kansas, Nebraska, South Dakota, North Dakota, and Minnesota. Restriction: The above authority is restricted to traffic originating at the plantsites or warehouse facilities of the New Jersey Zinc Co. and destined to points in the above named States; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 103880 (Sub-No. 384) (Republication), filed April 3, 1967, published FEDERAL REGISTER issues April 20, 1967, and August 31, 1967, and republished this issue. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. By application filed April 3, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of diammonium phosphate, in bulk, in tank or hopper type vehicles, from Riverdale and Colfax, Ill., and Des Moines, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Ohio, Wisconsin, North Dakota, South Dakota, Kansas, Nebraska, Minnesota, and Missouri. The application was referred to Examiner Frank J. Mahoney for hearing and the recommendation of an appropriate order thereon. Hearing was held November 15, 1967 at Chicago, Ill. A report and order recommended by the Hearing Examiner and served March 14, 1968, which became effective May 2, 1968, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle in interstate or foreign commerce, over irregular routes, of *diammonium phosphate,* in bulk, from Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Indiana, Michigan, Ohio, Wisconsin, Missouri, Kansas, Nebraska, South Dakota, North Dakota, and Minnesota. Restriction: The above authority is restricted to traffic originating at the plantsites or warehouse facilities of the New Jersey Zinc Co. and destined to points in the above named States; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulation thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 110525 (Sub-No. 814) (Republication), filed January 24, 1967, published in FEDERAL REGISTER issues of February 9, 1967, and July 7, 1967, and republished this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005, and Edwin H. van Deusen (same address as applicant). By application filed January 24, 1967, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of diammonium phosphate, in bulk, from Depue, Riverdale, and Colfax, Ill., and Des Moines, Iowa, to points in Iowa, Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Michigan. A report and recommended order of the Hearing Examiner, and served March 14, 1968, which became effective May 2, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *diammonium phosphate,* in bulk, from Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Indiana, Michigan, Ohio, Wisconsin, Missouri, Kansas, Nebraska, South Dakota, North Dakota, and Minnesota. Restriction: The above authority is restricted to traffic originating at the plantsites or warehouse facilities of the New Jersey Zinc Co. and destined to points in the above-named States; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 110988 (Sub-No. 232) (Republication), filed January 30, 1967, published in the FEDERAL REGISTER issues of

February 24, 1967, May 18, 1967, May 25, 1967, and August 10, 1967, and republished this issue. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. By application filed January 30, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of diammonium phosphate, in bulk, in tank or hopper type vehicles, from Depue, Colfax, and Riverdale, Ill., and Dubuque and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Minnesota, Missouri, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. The application was referred to Examiner Frank J. Mahoney for hearing and the recommendation of an appropriate order thereon. Hearing was held on November 15, 1967 at Chicago, Ill. A report and order of the Commission, division 1, served March 14, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *diammonium phosphate*, in bulk, from Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Indiana, Michigan, Ohio, Wisconsin, Missouri, Kansas, Nebraska, South Dakota, North Dakota, and Minnesota. Restriction: The above authority is restricted to traffic originating at the plantsites or warehouse facilities of the New Jersey Zinc Co. and destined to points in the above named States; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111729 (Sub-No. 247) (Republication), filed August 7, 1967, published FEDERAL REGISTER issues of September 8, 1967, and February 28, 1968, and republished this issue: Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Dayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. By application filed August 7, 1967, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicles, over irregular routes transporting: (1) business papers, records, and audit and accounting media of all kinds (excluding plant removals), and sales and advertising papers moving therewith, (a) between Fairmont, W. Va., on the one hand, and, on the other, Greensburg, Pa.; (b) between Braintree, Mass., on the one hand, and, on the other, Union, N.J.; (c) between Westboro, Mass., on the one hand, and, on the other, Arctic, East Greenwich, Warren, Wickford, Westerly, and Wakefield, R.I.; (d) between O'Hare Field, Chicago, Ill., on the one hand, and, on the other, River Grove, Ill., and Cleveland, Ohio, on shipments having prior or subsequent movement by air; (e) between Middlesex County, Mass., on the one hand, and, on the other, points in New Hampshire (except Hillsboro and Rockingham Counties, N.H.); points in Connecticut (except Fairfield County, New Haven, Litchfield, and Middlesex Counties, Conn.); points in Maine (except Knox, Penobscot, Kennebec, Androscoggin, and Cumberland Counties, Maine); points in Rhode Island (except Providence County, R.I.); points in New York; and points in New Jersey.

(f) Between Tonawanda, N.Y., on the one hand, and, on the other, Cleveland and Fostoria, Ohio; Buffalo, N.Y., and Clarksburg, W. Va.; (g) between Richmond, Va., and Orangeburg, S.C.; (2) payroll checks, (a) from Tonawanda, N.Y., to Cleveland and Fostoria, Ohio; (b) between Tonawanda, N.Y., on the one hand, and, on the other, Buffalo, N.Y., and Clarksburg, W. Va.; (c) between Richmond, Va., and Orangeburg, S.C.; (3) radiopharmaceuticals, radiochemicals, certified radiation standards, and radiation sources, between Cambridge, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Rhode Island, and Connecticut. That by order entered herein on January 29, 1968, applicant was granted the authority indicated below, except that, through inadvertence, authority was granted to serve points in Fairfield County, Conn. A supplemental order of the Commission, Operating Rights Board dated March 29, 1968, and served May 13, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce as a common carrier by motor vehicle over irregular routes, of (1) *business papers, records, and audit and accounting media* (except cash letters), *and sales and advertising papers* moving therewith, (a) between Fairmont, W. Va., on the one hand, and, on the other, Greensburg, Pa.; (b) between Braintree, Mass., on the one hand, and, on the other, Union, N.J.; (c) between Westboro, Mass., on the one hand, and, on the other, Arctic, East Greenwich, Warren, Wickford, Westerly, and Wakefield, R.I.; (d) between O'Hare Field, Chicago, Ill., on the one hand, and, on the other, River Grove, Ill., and Cleveland, Ohio, on shipment having prior or subsequent movement by air.

(e) Between Middlesex County, Mass., on the one hand, and, on the other, points in New Hampshire (except Hillsboro and Rockingham Counties, N.H.); points in Connecticut (except points in Fairfield County, New Haven, Litchfield, and Middlesex Counties, Conn.); points in Maine (except Knox, Penobscot, Kennebec, Androscoggin, and Cumberland Counties, Maine); and points in Rhode Island (except Providence County, R.I.); points in New York; and points in New Jersey; (f) between Tonawanda, N.Y., on the one hand, and, on the other, Cleveland and Fostoria, Ohio; Buffalo, N.Y., and Clarksburg, W. Va.; (g) between Richmond, Va., and Orangeburg, S.C.; (2) *payroll checks,* (a) from Tonawanda, N.Y., to Cleveland and Fostoria, Ohio; (b) between Tonawanda, N.Y., on the one hand, and, on the other, Buffalo, N.Y., and Clarksburg, W. Va.; (c) between Richmond, Va., and Orangeburg, S.C.; (3) *radiopharmaceuticals, radiochemicals, certified radiation standards, and radiation sources,* between Cambridge, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Rhode Island, and Connecticut; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 115331 (Sub-No. 223) (Republication), filed March 17, 1967, published FEDERAL REGISTER issues of April 6, 1967, and August 10, 1967, and republished this issue. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. By application filed March 17, 1967, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of diammonium phosphate, in bulk, (1) from Depue, and Colfax, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin; (2) from Riverdale, Ill., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin; (3) from Des Moines, Iowa, to points in Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; and (4) from Dubuque, Iowa, to points in Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. A report and recommended

order of the Hearing Examiner, served March 14, 1968, and which became effective May 2, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *diammonium phosphate,* in bulk, from Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Indiana, Michigan, Ohio, Wisconsin, Missouri, Kansas, Nebraska, South Dakota, North Dakota, and Minnesota. Restriction: The above authority is restricted to traffic originating at the plantsites or warehouse facilities of the New Jersey Zinc Co. and destined to points in the above-named States; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 115651 (Sub-No. 18) (Republication), filed May 12, 1967, published FEDERAL REGISTER issue of May 25, 1967, and republished this issue. Applicant: KANEY TRANSPORTATION, INC., Rural Route No. 4, Post Office Box 12, Freeport, Ill. 61032. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. By application filed May 12, 1967, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of *diammonium phosphate,* in bulk, (1) from Depue, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin; (2) from Riverdale and Colfax, Ill., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin; (3) from Des Moines, Iowa, to points in Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; and (4) from Dubuque, Iowa, to points in Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. A report and order recommended by Hearing Examiner Frank J. Mahony, served March 14, 1968, which became effective May 2, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *diammonium phosphate,* in bulk, from Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Indiana, Michigan, Ohio, Wisconsin, Missouri, Kansas, Nebraska, South Dakota, North Dakota, and Minnesota.

Restriction: The above authority is restricted to traffic originating at the plantsites or warehouse facilities of the New Jersey Zinc Co. and destined to points in the above named states; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119934 (Sub-No. 136) (Republication), filed March 8, 1967, published FEDERAL REGISTER issues of March 23, 1967, and June 15, 1967, and republished this issue. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46204. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 47204. By application filed March 8, 1967, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of diammonium phosphate, in bulk vehicles, from Depue, Ill., to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, and Ohio. A report and order recommended by Hearing Examiner Frank J. Mahoney, served March 14, 1968, which became effective May 2, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of diammonium phosphate, in bulk, from Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Indiana, Michigan, Ohio, Wisconsin, Missouri, Kansas, Nebraska, South Dakota, North Dakota, and Minnesota. Restriction: The above authority is restricted to traffic originating at the plantsites or warehouse facilities of the New Jersey Zinc Co. and destined to points in the above named States; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 123075 (Sub-No. 2), (Notice of Filing of Petition for Modification of Permit), filed May 2, 1968. Petitioner: HARVEY D. SHUPE, HOWARD YOST, AND CHARLES MYLANDER, a partnership, doing business as SHUPE & YOST, Greeley, Colo. Petitioner's representative: Michael T. Corcoran, 1360 Locust Street, Denver, Colo. 80220. Petitioners state that they hold authority in MC 123075 (Sub-No. 2) to transport: Salt and salt products, from the plantsite of the Solar Salt Co. in Tooele County, Utah, to points in Colorado, Kans., that part of Nebraska and South Dakota on and west of U.S. Highway 83, and Wyoming, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Carey Salt Co., Hutchinson, Kans., and Solar Salt Co., Salt Lake City, Utah. By the instant petition, petitioners respectfully request that their Sub 2 permit be modified by the addition of VWR United Corp., doing business as Bonanza Salt Co., as a contracting shipper with respect to the authorized operations described above. Any person or persons desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210 a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-10101. (Correction) (MURPHY MOTOR FREIGHT LINES, INC.—Merger—KEESHIN TRANSPORT SYSTEM, INC.), published in the May 1, 1968, issue of the FEDERAL REGISTER, on page 6687. This correction is *to delete a portion* of the authority sought to be merged which was included in the prior publication and *to include the modified authority.* Authority to be deleted: *General commodities,* excepting, among

others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Dubuque, Iowa, and Chicago, Ill., serving all intermediate points. Additional authority as modified sought to be merged: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Stockton, Ill., and Chicago, Ill., serving all intermediate points. NOTE: The canceled and modified authorities were pursuant to the order in MC–F–9807 (MURPHY MOTOR FREIGHT LINES, INC.—Control—KEENSHIN TRANSPORT SYSTEM, INC.), upon consumation October 27, 1967.

No. MC–F–10121. Authority sought for control by McLEAN TRUCKING COMPANY, Post Office Box 213, 617 Waughtown Street, Winston-Salem, N.C., of HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Post Office Box 1440, Houston, Tex., and for acquisition by M. C. BENTON, JR., and PAUL P. DAVIS, both also of Winston-Salem, N.C., of control of HERRIN TRANSPORTATION COMPANY, through the acquisition by McLEAN TRUCKING COMPANY. Applicants' attorneys: David G. MacDonald, Suite 502 Solar Building, 1000 16th Street NW., Washington, D.C. 20036, and Leroy Hallman, 45th Floor, First National Bank Building, Dallas, Tex. 75202. Operating rights sought to be controlled: *General commodities,* except those of unusual value, baled cotton, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, as a *common carrier,* over regular routes, serving Fairfield, Tex., restricted to joinder only of carrier's regular routes, authorized herein, through Fairfield for the purpose of providing through service between Waco, Tex., and points on carrier's routes east of De Ridder, La., authorized herein; *general commodities,* excepting, among others, household goods and commodities in bulk, serving all intermediate and off-route points of Camp Polk, La., in connection with the following routes authorized herein: (1) Between Lake Charles, and Mansfield, La., over U.S. Highway 171.

(2) Between Mansfield, La., and Many, La., over Louisiana 175 (formerly Louisiana Highways 51 and 1), between Sunset, La., and Scott, La., between Sunset, La., and Rayne, La., between Bristol, La., and Duson, La., serving all intermediate points, and the off-route points within 2 miles of the specified routes; between Corsicana, Tex., and De Ridder, La., serving the intermediate points of Merryville, La., and Lufkin, Tex., with restriction; between La Placa, La., and New Orleans, La., serving all intermediate points, between De Ridder, La., and junction Louisiana Highway 26 (formerly Louisiana Highway 25) and U.S. Highway 190 near Elton, La., between junction U.S. Highway 90 and Louisiana Highway 318 (formerly Louisiana Highway 912), and the site of the plant of United Carbon Co. near Weeks, La., known as United, La., serving no intermediate points, between New Orleans, La., and Jacksonville, Fla., serving certain intermediate points, and the off-route point of the National Aeronautics and Space Administration Centralized Testing Site, located in Hancock County, Miss., and St. Tammany Parish, La., near Santa Rosa and Gainesville, Miss., between Jacksonville, Fla., and the site of The Thiokol Chemical Corp. plant located approximately 6 miles east of Woodbine, Ga., serving no intermediate points and serving Jacksonville as a point of joinder only in connection with carrier's regular route to and from Jacksonville, authorized herein; between Memphis, Tenn., and Jacksonville, Fla., serving certain intermediate points as points of joinder only, between Tupelo, Miss., and Pensacola, Fla., serving certain intermediate points as points of joinder only, and serving all points within 15 miles of Pensacola, between Columbus, Ga., and Savannah, Ga., serving the intermediate point of Macon, Ga., and serving Columbus, Ga., as a point of joinder only, between Savannah, Ga., and Marianna, Fla., serving all intermediate points and the off-route points of Attapulgus and Clyattville, Ga., between Macon, Ga., and Donalsonville, Ga., serving all intermediate points, and the off-route point of Warner Robins, Ga., between Thomasville, Ga., and Tallahassee, Fla., serving all intermediate points, between junction U.S. Highway 17 and U.S. Highway 82 near Midway, Ga., and Jacksonville, Fla., serving all intermediate points and the off-route point of St. Marys, Ga., between Brunswick, Ga., and Waycross, Ga., serving no intermediate points, between Cordele, Ga., and Lake City, Fla., between Albany, Ga., and Quitman, Ga., between Albany, Ga., and Thomasville, Ga., between Tifton, Ga., and Thomasville, Ga., serving all intermediate points, between Perdue Hill, Ala., and Frisco City, Ala., serving no intermediate points, and serving the termini as points of joinder only, between Monroe, La., and Columbus, Ga., serving no intermediate points, and serving Jackson, Miss., and Columbus, Ga., as points of joinder only, between Jackson, Miss., and Mobile, Ala., serving no intermediate points, and serving Jackson, Miss., and Mobile, Ala., as points of joinder only, with restriction; over numerous alternate routes for operating convenience only.

General commodities, and *Government-owned compressed gas trailers,* empty or loaded with compressed gases other than liquefied petroleum gas, between Forest Hill, La., and a point on Louisiana Highway 112 (formerly Louisiana Highway 24), 4 miles from Forest Hill, serving all intermediate points; *general commodities,* between Alexandria, La., and Leesville, La., for operating convenience only, serving no intermediate points; *general commodities,* except currency, stamps, gold and silver bullion, loose bulk commodities, and commodities contaminating to other lading; and *Government-owned compressed gas trailers,* empty or loaded with compressed gases other than liquefied petroleum gas, between Shreveport, La., and Bossier City, La., serving no intermediate points; *classes A and B explosives, general commodities,* except household goods as defined by the Commission, and commodities in bulk; and *Government-owned compressed gas trailers,* empty or loaded with compressed gases other than liquefied petroleum gas, between Ville Platte, La., and Eunice, La., between Gibson, La., and Thibodaux, La., serving no intermediate points; *general commodities,* except those of unusual value, household goods as defined by the Commission, and commodities in bulk, and

Government-owned compressed gas trailers, empty or loaded with compressed gases other than liquefied petroleum gas, between Houston, Tex., and New Orleans, La., serving all intermediate and certain off-route points, between Beaumont, Tex., and Port Arthur, Tex., between Houston, Tex., and Shreveport, La., between Tenaha, Tex., and Mansfield, La., between Toomey, La., and New Orleans La., between Port Allen, La., and Leeville, La., between Sulphur, La., and Hackberry, La., between junction U.S. Highway 190 and Louisiana Highway 97 (formerly Louisiana Highway 370), near Basile, La., and Opelousas, La., between Eunice, La., and Kaplan, La., between Rayne, La., and Opelousas, La., between Abbeville, La., and Breaux Bridge, La., between Lafayette, La., and Opelousas, La., between Logansport, La., and Gloster, La., between Opelousas, La., and Ville Platte, La., serving all intermediate points, between Lake Charles, La., and Shreveport, La., serving all intermediate points except those between Lake Charles and Mansfield, La., between junction unnumbered highway, known as Old Port Arthur Road, and U.S. Highway 69, about 3 miles south of Beaumont, Tex., and Port Arthur, Tex., serving all intermediate points, between Memphis, Tenn., and Little Rock, Ark., serving the intermediate point of Lonoke, Ark., between Little Rock, Ark., and Shreveport, La., between El Dorado, Ark., and Hamburg, Ark., serving all intermediate and certain off-route points; between Crossett, Ark., and Monroe, La., between Memphis, Tenn., and Monroe, La., for operating convenience only, serving no intermediate points; between Monroe, La., and Hancock, La., serving no intermediate points; between Monroe, La., and Dubach, La., serving the intermediate point of West Monroe, La., between Dubach, La., and Minden, La., serving no intermediate points, over numerous alternate routes for operating convenience only; *classes A and B explosives, general commodities,* except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; and

Government-owned compressed gas trailers, empty or loaded with compressed gases other than liquefied petroleum gas, between Boutte, La., and the Huey P. Long Bridge, near New Orleans, La., between New Orleans, La., and Chalmette, La., between junction U.S. Highway 190 and west approach of the Mississippi

River Bridge, La., and Baton Rouge, La., between Houma, La., and Dulac, La., between Houma, La., and Montegut, La., between Houma, La., and Chauvin, La., serving all intermediate points; *classes A and B explosives, general commodities,* except those of unusual value, baled cotton, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; and *Government-owned compressed gas trailers,* empty or loaded with compressed gases other than liquefied petroleum gas, between Galveston, Tex., and Fort Worth, Tex., serving certain intermediate points; *general commodities,* except household goods as defined by the Commission, between Alexandria, La., and Lake Charles, La., between Kinder, La., and Eunice, La., serving all intermediate points; *general commodities,* except articles of excessive value classes A and B explosives, livestock, and household goods as defined by the Commission, over irregular routes, between certain specified points in Arkansas, on the one hand, and, on the other, Texarkana, Tex., Ruston, La., and points in Arkansas south and west of a line beginning at the Arkansas-Oklahoma State line and extending along U.S. Highway 270 to Pine Bluff, Ark., thence along U.S. Highway 270 to Pine Bluff, Ark., thence along U.S. Highway 65 to the Arkansas-Louisiana State line, including points on the indicated portions of the highways specified, between Monroe, La., on the one hand, and, on the other, Texarkana, Tex., and Ruston, La., and points in the Arkansas territory described immediately above (with certain exceptions).

Government-owned compressed gas trailers, empty or loaded with compressed gases other than liquefied petroleum gas, between the points, and over the irregular routes, in Arkansas and Texas, as authorized in the two immediately above routes under the commodities description next above, between Shreveport, La., and the Eglin Air Force Base, Fla.; *classes A and B explosives,* and *general commodities,* except those of unusual value, baled cotton, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurous or contaminating to other lading, and *Government-owned compressed gas trailers,* empty or loaded with compressed gases other than liquefied petroleum gas, between points within 3 miles of Houston, Tex., including Houston; *general commodities,* between New Iberia, La., and points within 7 miles of New Iberia; *dangerous explosives,* between the site of the U.S. Naval Ammunition Depot near Savanna, Okla., on the one hand, and, on the other, the site of the U.S. Naval loading and unloading facilities, at or near Belle Chasse, La.; *dry fish meal and fish scrap,* in bulk, from Port Arthur, Tex., to certain specified points in Missouri, Cairo, Ill., and certain specified points in Texas, from Empire, La., to certain specified points in Arkansas, Missouri, Cairo, Ill., certain specified points in Texas, and Shreveport, La.

Fish oil, in bulk, from Empire, La., to certain specified points in Arkansas, and Cairo, Ill., from Port Arthur, Tex., to certain specified points in Arkansas, Cairo, Ill., and Shreveport, La.; *dry cottonseed meal,* in bulk, from Decatur and Pekin, Ill., and Memphis, Tenn., to Houston, Tex.; *dry soybean meal,* in bulk, from Decatur and Pekin, Ill., to Houston, Tex.; and *carbon black,* in bulk, from El Dorado, Ark., Monroe, La., Seagraves and Kosmos, Tex., and Ryus and Hickok, Kans., to Akron, Ohio, from Ryus and Hickok, Kans., to West Helena, Ark., between points in Texas and Louisiana, McLEAN TRUCKING COMPANY, is authorized to operate as a *common carrier* in Virginia, North Carolina, South Carolina, Delaware, New Jersey, Massachusetts, Maryland, Georgia, Missouri, New York, Connecticut, West Virginia, Virginia, Pennsylvania, Kentucky, Illinois, Tennessee, Iowa, Indiana, Ohio, Texas, Maine, Michigan, Mississippi, New Hampshire, Rhode Island, Vermont, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: See also No. MC–F–10071 (MERCHANTS FAST MOTOR LINES, INC.—Purchase (Portion)—HERRIN TRANSPORTATION CO.), published in the March 20, 1968, issue of the FEDERAL REGISTER, on page 4769.

No. MC–F–10122. Authority sought for control and merger by WATKINS CAROLINA EXPRESS, INC., Post Office Box 10188, Federal Station, Greenville, S.C. 29603, of the operating rights and property of FLEMING'S TRANSFER, Post Office Box 10188, Federal Station, Greenville, S.C. 29603, and for acquisition by WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801, and in turn by BILL WATKINS, Post Office Box 1738, Atlanta, Ga. 30301, of control of such rights and property through the transaction. Applicants' attorney and representatives: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303, Bill Watkins, Post Office Box 1738, Atlanta, Ga. 30301, John C. Fleming, Jr., Post Office Box 1002, Danville, Va. 24541, and George W. Clapp, Post Office Box 10188, Greenville, S.C. 29603. Operating rights sought to be controlled and merged: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Richmond, Va., and Danville, Va., serving all intermediate points; general commodities, excepting, among others, household goods and commodities in bulk, over irregular routes, between Danville, Va., and points within 5 miles thereof, on the one hand, and, on the other, certain specified points in North Carolina, from points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, Philadelphia, Pa., and Baltimore, Md., to Danville, Va., between New York, N.Y., on the one hand, and, on the other, certain specified points in New Jersey, between certain specified points in Virginia, on the one hand, and, on the other, Washington, D.C., Baltimore, Md., and points in North Carolina within 160 miles of Victoria, Va., from Norfolk, Va., to Danville, Va., and points in Virginia and North Carolina within 30 miles of Danville, Va.

Canned goods and vinegar, from Waynesboro, Va., to Augusta and Wrens, Ga., and points in North Carolina and South Carolina; *sugar and canned goods,* from Baltimore, Md., to Danville and Martinsville, Va.; *malt beverages,* from Newark, N.J., to Red Oak, Va.; *cotton, rayon, and silk textile products,* from Danville, Va., to points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665; *unfinished cotton piece goods,* from certain specified points in North Carolina, and South Carolina, to Danville, Va.; *finished and unfinished cotton and woolen piece goods,* from Danville, Va., to Norfolk, Va., certain specified points in New Jersey, Wilmington, Del., certain specified points in Pennsylvania, Annapolis, and Baltimore, Md., Charlotte and Yadkin, N.C., and certain specified points in South Carolina; *granite,* rough quarried or dressed, from Elberton, Ga., Columbia, S.C., and Salisbury, N.C., to Danville, Va., from Mount Airy, N.C., to points in Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia; *potatoes,* from Charleston, S.C., and Goldsboro and Kinston, N.C., to Danville, Va.; *cotton,* from Norfolk, Va., to Elkin, N.C.; *feed and flour,* from Altavista, Va., to Danville, Va., and certain specified points in North Carolina; *fertilizer and fertilizer materials,* from Danville, Va., to certain specified points in North Carolina; *aluminum, lead, wire cable, babbitt, brass, and copper scrap,* from Danville, Va., to Baltimore, Md., and Philadelphia, Pa.; *waste paper, scrap paper, and rags,* from Danville, Va., to Baltimore, Md.; *box shooks,* from Hickory, N.C., to Shenandoah, Va.

Leaf tobacco, in bales, from Danville, Va., to Jersey City, N.J.; and *leaf tobacco,* between certain specified points in Virginia, and points in that part of North Carolina and South Carolina east and north of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 21 to Pineville, N.C., thence along U.S. Highway 521 to Georgetown, S.C., and thence southeastwardly to the Atlantic Ocean, not including points on the indicated portions of the highways specified, from points in the North Carolina and South Carolina territory described immediately above, to Richmond, Va. WATKINS CAROLINA EXPRESS, INC. is authorized to operate as a *common carrier* in South Carolina, North Carolina, and Georgia. Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC–F–9360 (BILL WATKINS—CONTROL—FLEMING'S TRANSFER), published in the March 9, 1966, issue of the FEDERAL REGISTER on page 4183.

No. MC–F–10123. Authority sought for purchase by M. D. SNIDER, Post Office Box 299, Pampa, Tex. 79066, of the operating rights of SMULCER TRUCKING COMPANY, INC., Post Office Box 836, Wichita Falls, Tex. Appli-

cants' attorney: Benton Coopwood, 904 Lavaca Street, Austin, Tex. 78701. Operating rights sought to be transferred: *Machinery, materials, supplies, and equipment* incidental to, or used in the construction, development, operating, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a *common carrier*, over irregular routes, between points in Oklahoma, and that part of Texas on and west of U.S. Highway 81. Vendee is authorized to operate as a common carrier, in intrastate commerce within the State of Texas. Application has not been filed for temporary authority under section 210a(b). NOTE: This application was filed pursuant to the order in No. MC–FC–70231 (M. D. SNIDER, Transferee and SMULCER TRUCKING COMPANY, INC., Transferor). By separate request Applicant seeks revocation of his present certificate of registration authority upon approval of this transaction.

No. MC–F–10124. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of service. Applicants: THE CHIEF FREIGHT LINES COMPANY, 2401 North Harvard, Tulsa, Okla. 74115 (MC–71478), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. (MC–10928), LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Post Office Box 82488, Oklahoma City, Okla. 73108 (MC–61440), RISS & COMPANY, INC., Temple Building, Box 2809, 903 Grand Avenue, Kansas City, Mo. 64142 (MC–200), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio 44309 (MC–2202), TRANSCON LINES, 1206 South Maple Avenue, Los Angeles, Calif. 90015 (MC–110325), VIKING FREIGHT COMPANY, 1525 South Broadway, St. Louis, Mo. 63104 (MC–35484), WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. 90058 (MC–8948), YELLOW TRANSIT FREIGHT LINES, INC., Box 8462, 92d at State Line, Kansas City, Mo. 64114 (MC–112713), and RYAN FREIGHT LINES, INC., 1257 East Reno, Post Office Box 17570, Oklahoma City, Okla. 73117 (MC–98646), seek to enter into an agreement for the pooling of service in the transportation of traffic in interstate commerce to and from points in the State of Oklahoma, located on U.S. Highway 77 between Oklahoma City (but not including points within the Oklahoma City commercial zone) and the Oklahoma-Texas State line, and Sulphur, Okla., located on U.S. Highway 177. Attorney: John M. Records, Post Office Box 8462, 92d at State Line, Kansas City, Mo. 64114.

No. MC–F–10126. Authority sought for control by CARL I. JACKSON, Post Office Box 31, Aurora, Ill. 60507, of DEERFIELD MOTOR EXPRESS, INC., 1042 Florence Avenue, Evanston, Ill. 60201. Applicants' attorney: Paul J. Maton, 10 South La Salle Street, Suite 1149, Chicago, Ill. 60603. Operating rights sought to be controlled: Under a certificate of registration, in Docket No. MC–120884 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Illinois. CARL I. JACKSON, holds no authority from this Commission. However, he is the controlling stockholder of CHICAGO-AURORA MOTOR SERVICE, INC., Post Office Box 31, Aurora, Ill. 60507, which is authorized to operate as a *common carrier* in Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10127. Authority sought for purchase by IML FREIGHT, INC., 2175 South 3270 West, Post Office Box 2777, Salt Lake City, Utah 84110, of a portion of the operating rights of DALE C. HANSEN, doing business as MODERN TRANSPORTATION, 701 Campbell Avenue, Santa Clara, Calif. 95052, and for acquisition by GATES CORPORATION, and, in turn by CHARLES C. GATES, JR., both of 999 South Broadway, Denver, Colo., of control of such rights through the purchase. Applicants' attorney and representative: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104, and Edward J. Hegarty, Shell Building, 100 Bush Street, San Francisco, Calif. 94104. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between points in San Francisco County, Calif., on the one hand, and, on the other, points in Oakland, Berkeley, Alameda, Emeryville, Albany, and Piedmont, Calif., between points in San Francisco County, Calif., between points in Oakland, Berkeley, Alameda, Emeryville, Albany, and Piedmont, Calif.; and *general merchandise*, between points in San Francisco, Calif., between points in Oakland, Calif., between San Francisco, Calif., on the one hand, and, on the other, Bayshore, Brisbane, South San Francisco, Richmond, Alameda, Albany, Berkeley, El Cerrito, Emeryville, Oakland, Piedmont, and San Leandro, Calif. Vendee is authorized to operate as a *common carrier* in California, Missouri, Kentucky, Indiana, Wyoming, Kansas, Illinois, Pennsylvania, Ohio, New Jersey, Massachusetts, New York, Connecticut, Colorado, Utah, Nevada, Iowa, Arizona, Nebraska, Idaho, Oregon, and Washington. Application has not been filed for temporary authority under section 210a(b). NOTE: Applicants propose cancellation of the duplicating authority presently held by Transferee.

No. MC–F–10125. Authority sought for control by PAM MANAGEMENT, INC., 502–504 North Barry Street, Olean, N.Y. 14760, of CHAUTAUQUA TRANSIT, INC., 401 Prendergast Avenue, Jamestown, N.Y. 14701, and for acquisition by LOUIS A. MAGNANO, also of Olean, N.Y., of control of CHAUTAUQUA TRANSIT, INC., through the acquisition by PAM MANAGEMENT, INC. Applicants' attorneys: Kenneth T. Johnson and Roland W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Operating rights sought to be controlled: Passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, as a *common carrier*, over regular routes, between Westfield, N.Y., and Jamestown, N.Y., serving all intermediate points; passengers and their baggage, and express and newspapers in the same vehicle with passengers, between junction New York Highway 17J and Chautauqua County Highway 302 approximately 2 miles north of Stow, N.Y., and Erie, Pa., serving all intermediate points; and passengers and their baggage, on round-trip sightseeing or pleasure tours, over irregular routes, beginning and ending at points in Chautauqua County, N.Y., and extending to points in New York, Pennsylvania, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Kentucky, Tennessee, Ohio, Indiana, Illinois, Michigan, and the District of Columbia, including points on the United States-Canada boundary line in Michigan, New York and Vermont. PAM MANAGEMENT, INC. holds no authority from this Commission. However, its controlling stockholder controls BLUE BIRD COACH LINES, INC., 502–504 North Barry Street, Olean, N.Y. 14760, which is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii), and he is affiliated with JOE MAGNANO, doing business as BLUEBIRD CAB COMPANY, 502–504 North Barry Street, Olean, N.Y. 14760, which is authorized to operate as a *contract carrier* in New York, and Pennsylvania, and ALLEN'S TAXI CO., INC., 502–504 North Barry Street, Olean, N.Y. 14760, which is authorized to operate as a *common carrier* in New York, Pennsylvania, and Ohio, Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–6082; Filed, May 21, 1968; 8:47 a.m.]

[Notice 612]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 17, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of

notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1 (Sub-No. 6 TA), filed May 15, 1968. Applicant: ESCHENBACH & RODGERS, INC., 520 North Seventh Avenue, Scranton, Pa. 18503. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *such mechandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies used in the conduct of such business*, between the distribution facilities of the Great Atlantic & Pacific Tea. Co., Inc., Florence, N.J., and points within the territory bounded by a line beginning at Port Jervis, N.Y., and extending in a northeasterly direction through Wurtsboro to Ellenville, N.Y., thence in a northwesterly direction through Margaretville to Davenport Center, N.Y., thence west through Oneonta to Ithaca, N.Y., thence in a southwesterly direction through Alpine, Painted Post, Addison, and Woodhull to Troupsburg, N.Y., thence in a southwesterly direction to North Fork, Pa., thence in a southeasterly direction through Sabinsville, Gaines, Loganton, Livonia, Millerstown, and Newport to Clarks Ferry, Pa., thence in a northeasterly direction through Lockdale, Fredericksburg, Bethel, Schubert, Shartlesville, Hamburg, New Tripoli, Neffs, Moorestown, Windgap, Bangor, and Mount Bethel, to Portland, Pa., thence along the west bank of the Delaware River to Matamoras, Pa., and thence across the river to Port Jervis, including the points named, for 180 days. Supporting shipper: J. W. Sappington, Divisional Traffic Manager, The Great Atlantic & Pacific Tea Co., Inc., Post Office Box 7499, Philadelphia 1, Pa. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 1756 (Sub-No. 12 TA), filed May 15, 1968. Applicant: PEOPLES EXPRESS CO., 497 Raymond Boulevard, Newark, N.J. 07105. Applicant's representative: Bert Collings, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Can and can ends*, from Danbury, Conn., to Willimansett, Mass., for 180 days. Supporting shipper: National Can Corp., 727 South Wolfe Street, Baltimore, Md. 21231; Attention: Joseph L. Rich, Atlantic Area Traffiic Manager. Send protests to: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 52579 (Sub-No. 106 TA), filed May 15, 1968. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: William Abel, 1 Gilbert Drive, Secaucus, N.J. 07094. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel*, loose, on hangers, from Thomasville, Ala., to points in the New York, N.Y., commercial zone, and (2) *Materials and supplies used in the manufacture of wearing apparel*, between points in the New York, N.Y., commercial zone and Thomasville, Ala., for 150 days. Supporting shipper: M. Rubin & Sons, Inc., 10 West 33d Street, Suite 508, New York, N.Y. 10001; Attention: Donald L. Rubin, President. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 59640 (Sub-No. 10 TA), filed May 15, 1968. Applicant: PAULS TRUCKING CORPORATION, 833 Flora Street, Elizabeth, N.J. 07201. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, for the account of Supermarkets General Corp., between Woodbridge Township, N.J., on the one hand, and, on the other, points in Suffolk, Westchester, and Rockland Counties, N.Y.; Bucks and Delaware Counties, Pa.; New Castle and Kent Counties, Del.; and Fairfield County, Conn., for 180 days. Supporting shipper: Supermarkets General Corp., 3 Commerce Drive, Cranford, N.J. 07016; Attention: Herbert Hodus. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 94901 (Sub-No. 2 TA), filed May 15, 1968. Applicant: EDDY MOVING & STORAGE CO., INC., 150 Pearl Street, Port Chester, N.Y. 10573. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Computer tapes, cards, documents, and records* requiring messenger delivery service in parcels not exceeding 50 pounds each and in shipments not exceeding 1,000 pounds each, between facilities of IBM at Westchester County, N.Y., on the one hand, and, on the other, Norwood, Mahwah, and Franklin Lakes, Bergen County, N.J., for 150 days. Supporting shipper: International Business Machines Corp., Armonk, N.Y. 10504. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 102616 (Sub-No. 825 TA), filed May 15, 1968. Applicant: COASTAL TANK LINES, INC., 501 Crantley Road, York, Pa. 17403. Applicant's representative: S. E. Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bisphenol A*, in bulk, in tank or hopper type vehicles, between Mount Vernon, Ind., and Natrium, W. Va., for 180 days. Supporting shipper: Mobay Chemical Co., Pittsburgh, Pa. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Bureau of Operations, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 108449 (Sub-No. 285 TA), filed May 15, 1968. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank vehicles, between points in Grand Forks County, N. Dak., and between points in Cass County, N. Dak., restricted to shipments having a prior movement by rail, for 150 days. Supporting shipper: S. & S. Co., Moorhead, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg. and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 123322 (Sub-No. 18 TA), filed May 15, 1968. Applicant: BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, Washington, Pa. 15301. Applicant's representative: Henry Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Scottdale and Youngwood, Pa., to Baltimore, Md., and Winchester, Va., for 180 days. Supporting shipper: Anchor Hocking Glass Corp., Lancaster, Ohio 43130. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 126045 (Sub-No. 13 TA), filed May 15, 1968. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, Post Office Box 3122, Davenport, Iowa 52808. Applicant's representative: John W. Lavender (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in bulk, from Davenport, Iowa, to points in Illinois, for 180 days. Supporting shipper: Woodward Iron Co., Woodward, Ala. 35189. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Davenport, Iowa 52801.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-6083; Filed, May 21, 1968; 8:47 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.